

Thursday, 6 April 2023

Report of the Portfolio Holder for Homelessness Prevention and Social Housing

Social Housing Regulation and Compliance - Council Housing

Exempt Information

Non-confidential

1.0. Purpose

To update Cabinet on the requirements of the consumer regulation agenda significantly impacting the Councils Housing Service, previously reported on 10/11/22

And

Set out the resourcing arrangements over the next 2-years to fulfil the Councils' obligations to meet the required regulatory standards across its housing stock including collation and submission of the 22 Tenant Satisfaction Measures required by the Regulator of Social Housing from April 2023/2024.

2.0. Recommendations

Cabinet is recommended to: -

- 2.1. Acknowledge the findings of the Internal Audit report (February 2023) giving Audit & Governance Scrutiny Committee substantial assurance that the Councils preparedness for the proposed legislation is robust - attached at **Annex one**
- 2.2. Agree that Homelessness Prevention & Social Housing Sub Committee will debate progress of the Councils preparedness for the Social Housing (Regulation) legislation and that this will inform policy proposals to Cabinet on overall compliance; further noting that the co-opting of members of Tenant Consultative Group is being built into the next Constitutional review.
- 2.3. Delegate the final detail and submission (including the Tenant perception measures) to the Portfolio Holder of Homeless Prevention and Social Housing to ensure collation (from April 2023) & formal submission (in April 2024) as required under the Regulators directions using the Regulatory portal. **Shown at Annex Three.**
- 2.4. Support feedback from Corporate Scrutiny on 14/3/23 & Homelessness Prevention & Social Housing Sub Committee on 16/2/23, resulting in a proposed Programme/Project plan (**shown at Annex Two**) that will replace the raw detail in the improvement plan previously shared & developed to ensure it is SMART¹, appropriately rated so that progress is clear and that the improvement plan is simplified for easy reference publicly.

¹ Specific Measurable Achievable Realistic and Timed

3.0. Executive Summary

3.1. Cabinet endorsed the Councils approach, progress and actions resulting from the proposed Social Housing (Regulation) bill on 10/11/22. This included the self-assessment against proposed and revised standards being proposed by the Government and its Regulators which when enacted will see a fundamental shift in the way Council Housing is regulated and how it will be inspected from 2024.

The Council has been preparing for this proposed legislation since 2021 and the internal audit report (shown at annex one) completed March 2023; sets out the journey so far – giving substantial assurance around managing risk arising from necessary preparedness’. Recognising however that it now requires programme oversight and co-ordination to ensure service improvements are delivered as planned.



3.2. New consumer standards

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.

The Regulator describes the new consumer standards as outcome focused. 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 key themes the future consumer standards would cover.

Safety	Landlords’ safety responsibilities including safety within the home and in communal areas
Quality	Quality of the home, communal spaces and services to tenants
Neighbourhood	Landlords’ role, working with other agencies, to contribute to the wellbeing of neighbourhoods in which tenants live.
Transparency	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

Engagement and accountability	Engagement between landlords and tenants, including how complaints are handled. Landlords' accountability to tenants and treating tenants with fairness and respect.
Tenancy	Requirements on landlords in respect of tenancies, including allocations policies and opportunities for tenants to move.
Professionalism	Requirements on Landlords to ensure housing managers and housing executives are professionally qualified – consultation to follow












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 and likely take effect by year end.

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 & Environmental standards.

- 3.3. Resourcing of this work was agreed as part of the Councils budget setting process (2023/2024) and is currently being progressed. In the meantime, 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.
- 3.4. A data capture exercise has been supported externally and is set out at **Annex Three** showing progress across the 10 management indicators. An informal workshop took place with House mark on 07/2/23, one of the sectors lead benchmarking organisations. It is anticipated that this benchmarking together with later review by the Local Government Association (LGA) will inform the final preparations.

Below is a snapshot of 10 of the 22 indicators representing the management data required. It has now been confirmed this will be collated from April 2023 using NROSH ([National regulator Social Housing Portal](#)). Officers have already reviewed the Technical guidance to collate this in readiness for submission.

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)		 TSM Technical Requirements
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)		

3.5. 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. Homelessness Prevention and Social Housing Sub Committee reviewed these in February 2023, and it was agreed a further proposal on how this would be collected would be debated to make final preparations with the Portfolio Holder in 2023 ahead of submission in 2024.

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

3.6. House mark have suggested some organisations are commissioning a base line assessment ahead of April 2023 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 proposals going forward.

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. Progress of actions already agreed is **on track as shown in green** below. **Blue are completed**.

Cabinet approved on 10/11/22	Management Actions
Endorse the findings from the external Self-Assessment reported November – link here	The Self-assessment was considered by Corporate Scrutiny on 17/11/22 and 14/3/23
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 12 th 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 shown here ; referring it to Corporate Scrutiny for further development on 17 th November 2022 and 14 th March 2023 delegating the SMART detail to the Portfolio Holder for Homelessness Prevention and Social Housing	This was discussed at both Corporate Scrutiny Committees. Feedback recommending a SMART improvement plan; greater clarity around RAG ratings and simplicity in improvement planning
Retrospectively approve the response to DluCH on the proposed rent cap shown at Annex 4 and discussed at the Council's Homelessness Prevention and Social Housing Sub-Committee on 12 th 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	Resourcing Planning underway as agreed

plan and	
Ensure the Council complies with the Regulators decision statement on the submission of new tenant satisfaction measures	<p>The Regulator of social housing has finalised the Tenant Satisfaction Measures and published it decision statement setting out the technical requirements from April 2023</p> <p>Working papers are attached outlining the initial data gathered for the Tenant Satisfaction Measures'. The 10 appended relate to management information that should be collated from 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 2023/2024 on the strategy for obtaining this feedback</p>

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 a national 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. Homelessness Prevention and Social Housing Sub Committee – Council Housing – Progress so far

This project was initially identified as one of the Council corporate projects and as a result significant work has been undertaken. Tenant representatives have already been nominated to the sub-committee and the Councils monitoring officer is

currently reviewing the terms of reference, so ***Tenants remain at the heart of influencing housing policy.***

Initial reporting to the Councils sub-committee focused on preparedness' for the new regulatory arrangements launched by the Government under its Charter for Social housing in 2021 & followed as part of the social housing White paper,

To-date Neighbourhoods have led the following work overseeing the developing legislation; including a review of the latest guidance around [reshaping consumer regulation and this has included:-](#)

- Presented to all the Homelessness Prevention & Social Housing sub-committee meetings on its progress – including shadow meetings prior. Details below
 - [15th June 2022 – Update on self-assessment](#)
 - [12th October 2022 – Presentation on self-assessment](#)
 - [16th February 2022 – Update on tenant Satisfaction Measures](#)
- Reported to Cabinet on [10/11/22](#) on preparations and securing £100k per annum of agreed resources.
- Updated Corporate Scrutiny on [17/11/22](#) & [14/3/23](#) with amendments including the Regulators announcements on [professionalisation of the service, agreed as an amendment to the proposed bill on 26/2/23.](#)
- Procured a Self-assessment (via YDS Scrutiny & Empowerment Ltd) of the required standards including a base line against existing consumer standards using external resources from September 2021 to June 2022
- Engaged with Internal Audit on its preparations – receiving substantial assurance on progress so far. **Shown at annex one.**

- 5.1. As the requirements of the imminent Social Housing Regulation legislation are cross cutting impacting on all directorates (*if not through service functionality; through collateral benefits such as consistent service standards for example*); it is necessary to have a “one council approach” to achieving regulatory compliance and preparation for future inspection by the Regulator.

The co-ordinating approach recommended is not dissimilar to the recent Councils Recovery & Reset programme; given the cultural shifts that achieved it is sensible to adopt a similar approach.

6.0. Resourcing Implications

Cabinet approved on the [10/11/22](#) to build £100k pa for two years (£200k) into the Council budget setting process. This was to finance the resourcing of this work and subsequently agreed through Full Council as part of the MTFS on 28/2/23.

Cabinet agreed funding levels based on the proposed illustration below.

4. The requirements, identified in the business case are summarised as follows: -

Programme & Project Co-ordination	Tenant & leaseholder Compliance	Dedicated ICT resourcing
<ul style="list-style-type: none"> •Prince style Project management of self assessment improvement plan •Reporting to Cabinet & associated committees on the improvement plan •Risk and resource management •Prioritisation of improvement plan & highlight reports on progress •Co-ordination across all directorates to gather evidence to support improvement plan 	<ul style="list-style-type: none"> •Develop the role of Tenant Consultative group to comply with training and capacity •Capacity building within the TCG to support Homelessness Prevention and Social Housing sub committee as active members •Ensure 22 Tenant Satisfaction measures are produced with tenants •Development of the tenant involvement and empowerment strategy •Tenant profiling and tailored service opportunities •Ensure compliance with the tenant involvement and empowerment standard 	<ul style="list-style-type: none"> •Collation of all 22 Tenant Satisfaction Measures •Submission to the regulator as required of all data •Data validity and creation of KPI data for RSH inspection and review •Live monitoring and alignment with the Councils performance framework

Resourcing arrangements are being progressed internally as a result of this budgetary provision and it is expected these will be in place over the Summer 2023.

It is envisaged this will include a lead Assistant Director, Regulatory lead and ICT and project support. In addition to these costs, it will be necessary for the relevant project lead to identify where they need additional support and this will be either met through existing budgets or agreed through the usual policy change format.

7.0. Risks

The risks around non-compliance are well documented across the professional sector; and have been reported by Department of Levelling up, Housing and Communities (DLuCH); Regulator and the Housing ombudsman and include the following. It is envisaged, as the work progresses a full risk assessment will be produced and monitored through the programme updates to Homelessness Prevention and Social Housing Sub-Committee.

Risks	Mitigation
Reputational Risk – if the Council is not able to comply with data requests and/or fails to meet required standards'	A resourced team co-ordinated will ensure focus and add capacity to service improvement planning.
Non-compliance and fined by the regulator for not evidencing high quality housing services	Routine reporting to the Homelessness Prevention & Social Housing Sub Committee for review and to inform Cabinet updates.
Management Intervention by the regulator if appropriate resourcing not put in place	
Internal Audit – substantial assurance is based on continuing to progress the improvement plan, not doing this will result in risk	Continued self-assessment and review will ensure preparedness for inspection, this will include undertaking a further self-assessment in 2024; marking the first 12 months of improvement planning.
Insufficient resourcing of the programme could put pressure on existing resources	

Customer dissatisfaction and rising complaints from tenants and leaseholder leading to unmanageable expectations	
--	--

8.0. Equality Implications

- 8.1. Adopting a framework for Council Housing service improvement does not in itself present a need for a community impact assessment. However as individual service improvements are made, then it will be usual for policy proposals to contain the usual community and equality impact assessment.

9.0. Sustainability Implications

- 9.1. None directly arising.

10.0. Next Steps

- 10.1. It is likely, subject to confirmation by the Regulator that the following milestones will need to be met.

Milestone	Indicative Date
Resourcing Arrangements confirmed for Social Housing Regulatory Programme	7/4/23-End of July 2023
Collation of Tenant Satisfaction Measures / Local Authority Data Returns	From End of April 2023 and then monthly April 2024
Submission to the Housing Regulator of all Data including tenant satisfaction/perception indicators	
Routine updates to Homelessness Prevention & Social Housing Committee and Tenant Consultative Group	As timetabled on work-plans
Annual Report to Cabinet – Tenant & Leaseholder Annual Report	October 2023 and then as required by Regulator
LGA Peer Review for Social Housing management in 2024 ahead of formal inspection being timetabled by the Regulator. The LGA offer this as part of their bespoke peer support package for social housing	April 2024
Regulator timetables organisational Inspection – anticipated once every four years – timescales not yet known for Tamworth as Regulator is likely to diarise based on a range of risk measures.	April 2024 - April 2028 To be confirmed by the Regulator

Report Author

Tina Mustafa – Assistant Director Neighbourhoods

List of Annex documents
Annex 1 – Audit Report
Annex 2 – Programme/project plan
Annex 3 – Regulators directions

This page is intentionally left blank