

Thursday, 10 October 2024

**Report of the Portfolio Holder for Housing, Homelessness and Planning**

**Social Housing Regulatory Programme Update**

**Exempt Information**

Non-Exempt

**1.0. Purpose**

- 1.1 To update Cabinet on the latest position regarding compliance with the [Regulator Social Housing \(RSH\) Consumer Standards](#), published with effect from 2nd April 2024
- 1.2 To support any emerging and/or additional recommendations arising from **Corporate Scrutiny meeting on 09<sup>th</sup> October 2024**; further informed by discussions at the **Homelessness & Housing Advisory Board meeting on 1<sup>st</sup> October 2024**

**2.0. Recommendations**

2.1. Cabinet are recommended to:-

1. Acknowledge progress regarding the areas identified for self-referral to the Regulator Social Housing, summarised at Annex one
2. Approve the Tenant Impact & Risk Assessment arising from the Self-referral developed with Staffordshire Fire & Rescue Services, shown at Annex Two
3. Support Homelessness & Housing Advisory Board discussions on the 1<sup>st</sup> October 2024 to progress the Autumn Roadshow consulting on the Tenant Involvement & Engagement Strategy launched at the Tenant Conference (16/9/24), Summarised at Annex Three
4. Agree recruitment of an independent Tenant Advocate to the Homelessness & Housing Advisory Board to support the Tenant Voice – referring details to Appointments & Staffing Committee for formal approval

**3.0. Executive Summary**

**Self-Referral Regulatory Housing Consumer Standards**

- 3.1. The [consumer standards were published on 2/4/24](#) and were largely unchanged from those published February 2024 and were updated in Tamworth's own programme to drive improvement. These cover 4 key standards [Neighbourhood and Community](#); [Safety & quality](#); [Tenancy](#) and [Transparency, Influence and Accountability \(including Tenant Satisfaction Measures\)](#).
- 3.2 Self-Referral is particularly addressed in the Transparency, Influence and Accountability Standard at 2.6 and cautions that

*2.6.1 Registered providers must communicate in a timely manner with the regulator on all material issues that relate to non-compliance or potential non-compliance with the consumer standard*

3.3. As a result of the Programme, the Leadership Board agreed on 31<sup>st</sup> July 2024 to trigger a self-referral, taking into account:-

- Self-assessment undertaken externally in 2023 by YDS and checks on progress
- Independent Asset Compliance Review Accepted 17/7/24
- Homelessness & Housing Advisory Board updates around organisational progress (including tenant representatives)
- Recommendations from the Programme Lead and Officers

3.4 Since the Self-referral on 12<sup>th</sup> August 2024 (letter to RSH shown at annex four), the Leadership Board have received routine updates on a weekly basis.

### Achievements have included

- Investment in Resource with backfilling arrangements for Programme lead/Head of Repairs until end of November aimed at accelerating progress on priority workstreams with routine updates through the Trade Union Liaison Group, Corporate Operations Group and retained external expertise
- Updated data reflecting progress, sent to the Regulator on 30/9/24 – (annex one) in readiness for a scheduled appointment on Friday 25<sup>th</sup> October 2024
- Housing Ombudsman confirmed receipt of self-assessment and published data rectifying this area of non-compliance (Cabinet 29/8 – published 5/9)
- Significant improvements across Asset Compliance Areas – with progress across all compliance areas as shown in annex one and two.
- Work-shop with Staffordshire Fire & Rescue Services on tenant/resident impact assessment with inclusions around sprinkler testing; FAQ development and ‘waking watch’ arrangements (i.e. enhanced cleaner identification of issues)
- Tenant Conference launching consultation on a refreshed and modernised ‘Tenant & Leaseholder Voice’ improvement plan – Roadshow to commence November 2024
- Approval for Tenant Voice & Teant Analyst to support ‘getting to know you’ campaign and review of TSM improvement planning

3.5. The areas for self-referral are summarised below with specific progress shown



RSH Standard	Lead AD	Ref	Requirement copied from RSH standard	Breach	Similar Org. reporting breach(es)	Progress
Safety & Quality	Paul Weston	1.3 Health & safety	1.3.1 When acting as landlords, registered providers must take all reasonable steps to ensure the health and safety of	1386 Electrical Inspections outstanding including 39 communal blocks Fire Risk Assessments – 299 arising	<a href="#">Southwark</a> <a href="#">Bristol – 3000 overdue fire safety remedial actions</a> Guildford – 1700 without	A detailed improvement plan supported by external consultants is in place with SMART actions and a focus on critical actions

			tenants in their homes and associated communal areas.	management actions outstanding  Legionella Risk Assessments – 5 missing blocks now complete (25/25) with 541 management actions outstanding  Asbestos Reporting – insufficient process to share information with contractors  Corporate H&S reporting & Accountability – an identified H&S lead member as required under the standard	up-to-date electrical certification  Octavia – 1200 overdue fire safety actions  <a href="#">South Derbyshire – stock condition not up to date</a>	until December 2024.  Progress has been made across all housing asset compliance areas as shown to the update to the RSH on 30/9/24 attached at annex one
Transparency, Influence & accountability	Zoe Wolicki	1.6 Complaints	1.6.1 Registered providers must ensure complaints are addressed fairly, effectively, and promptly.	Failure to submit the self-assessment by 30 <sup>th</sup> June 2024 and show organisational learning from complaints – see HO letter received 26/7/24		Completed – The Housing Ombudsman has acknowledged the Cabinet decision on 29/8/24 to agree publication, complaints member lead & continuous learning and this is now on the Councils website (05/9/24)
Neighbourhood & Community	Hannah Peate	1.1 Safety of Shared Spaces	1.1.1 Registered providers must work co-operatively with tenants, other landlords and relevant organisations to take all reasonable steps to ensure the safety of shared spaces			Several workshops have now been held with tenants to develop and co-design the environmental service standards. A draft was informed by discussions with TCG and is due to be finalised September 2024

- 3.6 The need for organisational transparency around self-referral was further re-enforced by the Regulator at recent 'round table discussions' with providers. Kate Dodsworth (Chief of regulatory Engagement) said that all providers were encouraged in the interests of transparency to share with the RSH where there was any issue with compliance, a failure to do so could invite regulatory sanction where it was assessed during routine inspection that it should have done so.
- 3.7 There is a growing number of referrals across the sector, evidenced by the latest [consumer report](#), with providers seeking to demonstrate 'organisational grip' by self-referring. We know there were 986 referrals, an increase of 5% from the year before with 217 referrals investigated and 9 landlords in breach. Since 2024, this is increasing as other regulatory breaches have been published including South Derbyshire, South Kesteven, Southwark, etc. The RSH also produced [inspection guidance](#) and [mitigating factors supporting self-referral when RSH is considering a breach](#).
- 3.8. Tamworth have already had very positive discussions with the Regulator and have welcomed the openness, organisational understanding and commitment to improvement. At the last meeting on the 20<sup>th</sup> September 2024 the regulator described three potential routes following the self-referral preliminary assessment: -

1. No further action
2. Regulatory Intelligence and ongoing dialogue with the RSH
3. A grading review based on the self-referral which could be either a C3 or C4 rating

**Tamworth is planning for three, it would be evidence of considerable progress to follow route two.**

### **Tenant Voice & Involvement in Service Improvement**

- 3.8 Central to improving housing services is ensuring tenants and leaseholders are at the heart of this. A refreshed tenant involvement and engagement strategy was launched for consultation at the Tenant Conference on the 16<sup>th</sup> September 2024.
- 3.9. The Homelessness & Housing Advisory Board continue to discuss the next steps arising from the event; and the planned roadshow over the Autumn is supported by the Board and forms part of this cabinet report. Following the consultation the new Tenant Voice Strategy will be reported to Cabinet on 25/2/25. Full details of the Board report are provided. Key headlines are summarised in the slide below were presented at the conference and reflect key principles aimed at transforming tenant engagement.

**Tenant & Leaseholder Voice Better Together!**

- Your Voice in every Choice
- No voice no vote
- Tenants & Leaseholders **First** culture
- More Involvement opportunities
- Easy as ABCD
- Improving services together
- Development Tamworth Talent Academy– Staff & you!

**We need YOU!**

**The Tenant Journey**

Tenant Co-design Journey	
Foundations	Co-design housing services with tenants
Front door	Service accessibility for tenants
Windows	Tenant insight
Ground & first floor	Tenant information, consultation, involvement & empowerment
Chimney	Tenant insight & flow of information

### **Independent Tenant Advocate**

3.10 As part of discussions at the Tenant Consultative Group (TCG) and Homelessness & Housing Advisory Board, it is accepted that TCG would benefit from an independent tenant advocate, similar to a non-executive director at a registered provider.

The development of the Homelessness & Housing Advisory Board was recognised as good practice from the self-assessment and at a recent tenant workshop, it was recommended that this independent advocate would help tenants develop and strengthen their ability to hold the executive to account across scrutiny, training and overall assurance when representing and channelling the wider tenant and leaseholder feedback.

3.11 It is therefore proposed to develop this and make proposals to Appointments and Staffing Committee on the detail if this is agreed in principle.

**4.0. Resource Implications**

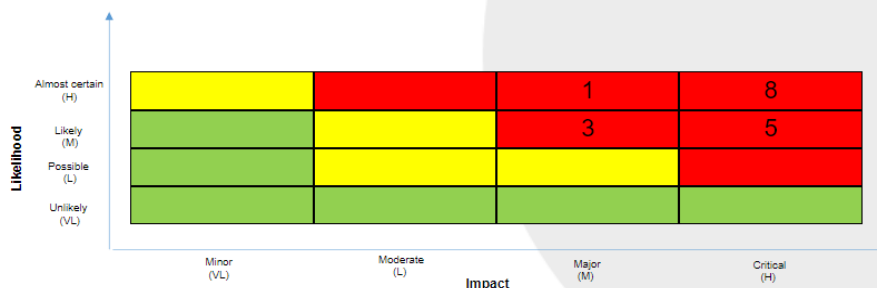
4.1. There are no direct financial implications arising from the recommendations as these can be contained within existing budgets, specifically policy changes agreed in 2023/2024 for the Social Housing regulatory Programme.

4.2 It is envisaged that expenses will be paid to the tenant independent advocate and this can be met from the tenant involvement budgets, save further benchmarking and review which will be reported to Appointments and Staffing Committee.

**5.0. Legal/Risk Implications Background**

5.1 Routinely the Social Housing Regulatory Programme meets to discuss progress and the Risks are mapped and those scoring 12 and above reported to Audit & Governance Committee. The headlines are as follows

# Risk Management



Summary of active risks

Sept	High	17	Moderate	0	Low	0	Total	17
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# Programme Risks

Long term organisational risks if the programme is unsuccessful.

Risk	Mitigation	Likelihood	Impact	Score
Reputational Risk – if the Council is not able to comply with data requests and/or fails to meet required standards in Knowledge Information Management/KIM.		H	H	16
Change in national political leadership which is likely to lead to a review on the overall strategic approach to the sector.		M	M	9
Insufficient resourcing of the programme could put pressure on existing resources	A resourced team will ensure focus and add capacity to service improvement planning	M	H	12
Customer dissatisfaction and rising complaints from tenants and leaseholder leading to unmanageable expectations	Routine reporting to the Housing and Homelessness Advice Board to review and to inform Cabinet updates. Use of external audit specialists.	M	H	12
Management intervention by the regulator if appropriate resourcing not put in place	Continued self-assessment and review will ensure preparedness for inspection, this will include undertaking a further self-assessment in 2025, marking the first 12 months of improvement planning.	M	H	12
Internal Audit – substantial assurance is based on continuing to progress the improvement plan, not doing this will result in risk. Lack of subject expertise within internal team.		M	H	12
Non-compliance and fined by the regulator for not evidencing high quality housing services.		M	H	12

## 6.0. Equalities Implications

- 6.1. As a result of areas identified around asset non-compliance a tenant/resident impact assessment has been developed in conjunction with stakeholders, including Staffordshire Fire & Rescue Services. This is shown at annex two.
- 6.2. In addition to the risk and equality implications the following communications are planned and will kept under review

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AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JAN 2
<ul style="list-style-type: none"> <li>Dedicated resourcing – Asset compliance workshops scheduled in person weekly</li> <li>Leadership team routine briefings (Weds)</li> <li>Member briefing &amp; basic FAQ</li> <li>AD briefing in person (8/8/24) for HoS dissemination</li> </ul>	<ul style="list-style-type: none"> <li>Routine leadership briefings (Weds)</li> <li>Cross party press release</li> <li>TULG scheduled 12/9/24</li> <li>Tenant conference 16/9/24 with feedback on improvement planning</li> <li>Website development scoping</li> <li>RSH appointment diarised 20/9/24</li> </ul>	<ul style="list-style-type: none"> <li>Website launch with tenant podcast and FAQs</li> <li>Repairs compliance workshops</li> <li>Partner bulletin</li> <li>Open House feature</li> <li>Cabinet 10/10/24</li> </ul>	<ul style="list-style-type: none"> <li>Chat with Chief – spotlight on regulatory referral – presentation on TMM</li> <li>Web updates</li> <li>Homelessness &amp; Housing Board Updates</li> <li>Roadshow with Tenants &amp; Leaseholders</li> </ul>		

## 7.0. Environment and Sustainability Implications (including climate change)

- 7.1 Delivery of excellent housing services directly contributes to the environment and sustainability of services. There are links to the HRA business plan and this is elsewhere on the forward plan for consideration.

## 8.0. Matters for Consideration

### Regulatory Context

- 8.1 All Chief Executives and Leaders were written to on [3<sup>rd</sup> April 2024](#) setting out the new social housing regulation requirements. This follows a range of publications on new consumer standards set out in the Social Housing (Regulation) Act 2023 and builds on the Regulator approach to [reshaping consumer standards](#)

A self-referral is simply where the Landlord does not believe it is meeting the RSH consumer standards – the timing of this must be based on where it believes it can not evidence compliance, rather than anecdote.

- 8.2 The Social Housing Regulatory Programme commenced June 2023 and Trueman Change were engaged October 2023 to support preparedness' for housing relater inspection, service improvement and housing-based compliance. All designed to put tenants at the heart of our housing-based service offer; recognising housing functions are split across the Council.
- 8.3 The Programme including details on associated projects, risk management and the need to seek quality assurance have been built around the consumer standards. The Summary has been routinely featured at the Homelessness' & Housing Advisory Board, the latest 1<sup>st</sup> October 2024 – as well as subject to previous Cabinet decisions and scrutinised at several service specific Scrutiny Committees. This follows Tamworth's own self-assessment in 2022/2023 which informed the action and improvement plans.
- 8.4. Tamworth Leadership team know that all housing providers will be inspected over a four (4) year period with the first Inspections commencing April 2024. Whilst the Regulator has published a range of inspection guidance; the timetable specific to Tamworth remains unknown. The Regulator described Landlords needing to be in constant pursuit of tenant excellence and should therefore see inspection as part of that journey. Ratings are from **C1 to C4** (higher better) – details on gradings and latest was published 17<sup>th</sup> July by the RSH in their latest [Consumer Regulation Review 2023-2024](#).
- 8.5 The Regulator published its first set of regulatory judgments on [24/7/24](#) with Watford Community Housing Trust and Nottingham Community Housing Associations being given C1 ratings, and [five\(5\) Social Landlords given C3 ratings](#) (Bristol, Cambridge, Guildford, Sheffield and Octavia Housing) – more ratings continue to be published which Tamworth continues to review.
- 8.6. Tamworth has spoken to the majority involved in the first wave of inspections (Melton, Staffordshire Moorlands/High Peak, Cobalt, Saffron Waldon, Kensington & Chelsea) and is developing an outward focus on which to build strong peer networks and evidence continual improvement through benchmarking and learning.

### Tenant Satisfaction Measures – submission by 30<sup>th</sup> June 2024

- 8.7. Tamworth successfully submitted the required Tenant Satisfaction Measures before the 30<sup>th</sup> of June 2024 deadline. The focus was on accuracy, data validation and interpretation of the Regulators technical guidance.
- 8.8 The TSMs were published as required and [tenants designed the leaflet](#) and the [vice chair of the tenant consultative group headlined the video](#) explaining the results

- 8.9 The results were disappointing across several areas relating to tenant satisfaction (down from 78% to 58% overall), response times to complaints at 54.5% and 42.1% along with proportion of homes required to have a legionella risk assessment at 69.9%. The roadshow seeks to develop the improvement plan and this will be reported back to Cabinet routinely.

**Report Author**

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**Appendices**

1. **Self-Referral Progress Statement sent to RSH 30<sup>th</sup> September 2024**
2. **Tenant/Resident Impact Assessment arising from asset non-compliance**
3. **Homelessness & Housing Advisory Board Report from Tenant Conference on Tenant Involvement Strategy**
4. **Self-referral letter**