
1.0 PURPOSE OF REPORT

- 1.1 To propose to members a framework for a tenant scrutiny panel within the council.

2.0 RECOMMENDATION

- 2.1 That members note the contents of this report and support the proposed framework for introduction of a tenant scrutiny panel within the council.
- 2.2 That members consider the requested changes to the framework by tenants detailed in Section 5 of this report.

3.0 BACKGROUND

- 3.1 Under the Localism Act, responsibility for social housing regulation passed to the Homes and Communities Agency (HCA) Regulation Committee from 1st April 2012. Prior to 1st April 2012, the regulator was the Tenant Services Authority.
- 3.2 Tenant Involvement and Empowerment is one of the consumer standards set out in the Regulatory Framework for Social Housing in England clearly stating that registered providers shall ensure that tenants are given a wide range of opportunities to influence and be involved in: the scrutiny of their landlord's performance and the making of recommendations to their landlord about how performance might be improved.
- 3.3 Housing providers' boards and councillors are responsible for ensuring their organisation meets the consumer standards. The regulator's role is limited to setting the consumer standards and intervening only where failure of the standard could lead to risk of serious harm to tenants (the 'serious detriment test')
- 3.4 The co-regulatory principles underpin the regulatory approach. One of the key principles of co-regulation is: **Tenants should have opportunities to shape service delivery and to hold the responsible boards and councillors to account.**
- 3.5 A Tenant Scrutiny Panel is one function that would enable the council to meet the regulatory standards set out above. At a Tenant Scrutiny workshop held in September 2012 tenants confirmed that a Tenant Scrutiny Panel is their preferred choice.

4.0 TENANT SCRUTINY PANEL :

4.1 Aims and Objectives of the Tenant Scrutiny Panel:

- To operate on behalf of tenants and residents, to ensure that the council provides council housing services that meet tenants/residents' needs
- To review and improve council housing services
- To enable tenants to evaluate council housing service performance and procedures and liaise with service areas
- Make recommendations to senior managers and councillors on how housing services and policy can be improved

4.2 Role of the Tenant Scrutiny Panel:

- Prioritise and oversee tenant led scrutiny activities
- Formulate an annual scrutiny programme that does not duplicate activity and has the benefits of all tenants and residents at it's core
- Collect evidence to enable council housing services to be scrutinised
- Analyse evidence
- Make recommendations for council housing service and policy improvements
- Report recommendations to senior management and councillors
- Monitor and review agreed action plans
- Ensure that the work of the scrutiny panel is communicated to all tenants and encourage them to get involved
- The remit of the Tenant Scrutiny Panel will be to consider council housing service performance and procedure
- Raising the awareness of good practice and celebrate successes

4.3 Tenant Scrutiny Process

See attached Appendix A which details a proposed Tenant Scrutiny process map.

4.4 Equality and Diversity

The Scrutiny Panel will work for the benefit of all individual tenants and residents and will strive to ensure that no group or individual will be disadvantaged as a consequence of its activities. All members of the panel must undertake mandatory Equality and Diversity training.

4.5 Membership of Group

- There will be between 8-10 panel members
- Members will be Hinckley & Bosworth Council Housing Tenants
- Memberships will ensure geographical representation from across the Borough.
- Membership will be representative of the profile of tenants.
- One place out of the 8-10 places will be reserved for a tenant representative from another housing provider
- The chair and vice-chair will be elected by the tenant panel members

4.6 Recruitment and Succession

Individuals will be recruited to the panel via an independent panel / voluntary agency. This panel will be independent of other tenant volunteers and officers of the council. Individuals will be assessed against an agreed person specification and job role.

The recruitment processes will be proactive and will emphasise this as a development opportunity for the individual, for example to increase employability skills, as well as an opportunity to improve and shape council housing services. Recruitment will be ongoing to ensure succession planning.

Panel members will be asked to commit themselves to a minimum 2 years service. At the end of the two years members will stand down. Members who step down at the end of their term of office may be re-selected but will be considered alongside other suitable applicants through the selection and interview process.

A probationary period of 6 months will be put in place for new panel members and at the end of the probationary period a review will take place which we will look to deliver via the voluntary recruiting body.

4.7 Work programme

The Tenant Scrutiny Panel will develop an annual programme of scrutiny work which will be reviewed annually. The priority areas for review will be set from reviewing evidence including:

- Customer satisfaction surveys
- Complaints
- Reports from service improvement groups
- Issues raised by groups representing residents
- Tenant Inspection findings
- Performance against Local Offers
- Key Performance Indicators

The work programme will be communicated to and agreed by Executive. The scrutiny topic and its associated timescales and expectations will be communicated to relevant staff teams.

When setting the work programme due regard will be given to the work programme of internal audit and Council Scrutiny so as to avoid duplication.

The scrutiny panel will scrutinise services and policy and not individuals. Any queries relating to individual employees will be referred to and dealt with via HBBC internal procedures not by the scrutiny panel.

4.8 Accountability to tenants

The minutes and all reports of the panel will be made available on the council's web site and to any tenant on request.

4.9 Accountability to/from tenant scrutiny panel to Council

In the event of the Scrutiny Panel being dissatisfied with the support and response of officers of the council, the Scrutiny Panel may write to the Deputy Chief Executive (Community Direction). The Deputy Chief Executive will take account of the concerns and meet with the Scrutiny Panel at a mutually convenient date within 28 days where they will provide Scrutiny Panel with a response. If the Scrutiny Panel remains dissatisfied it may take its concerns to the Regulator (Homes and Communities Agency).

In the event of the council having concerns about Tenant Scrutiny Panel compliance with the Terms of Reference or Code of Conduct, representatives from the council will meet with the Tenant Scrutiny Panel at the Scrutiny Panel's next scheduled meeting to raise these concerns and establish a joint agreement to ensure compliance. In urgent cases of non compliance with the code of conduct representatives from the council may call an emergency meeting to discuss these concerns with panel members.

Disciplinary procedures for dealing with non compliance of terms of reference and code of conduct will be put in place.

4.10 Training

New members will undergo an appropriate induction programme. A training programme will be developed based on skills and knowledge needed for effective scrutiny. This training plan will be reviewed on an annual basis.

4.11 Budget

Part of the tenant participation budget will be allocated to support tenant scrutiny activities. The Tenant scrutiny panel will be responsible for meeting all costs associated with tenant scrutiny panel activities via this budget including training, promotion and admin. Panel members are required to utilise their budget in accordance with HBBC procedures.

4.12 Evaluation of Scrutiny Panel Activities

The scrutiny panel will provide an annual report to Council detailing achievements, outcomes and value for money for tenants of the borough achieved from scrutiny panel activities.

4.13 Data Protection

The information provided to the panel will be supplied at a level that is compliant with the Data Protection Act.

5.0 TENANT CONSULTATION AND RECOMMENDATIONS

On consulting with the Tenant Advisory Panel on the content of this report and the proposed framework the tenants feel strongly that in order for the scrutiny process to remain independent the scrutiny work plan would not need

approval by Executive. Tenants would therefore want to take out the words 'agreed by' in Step 3 of Appendix A and in section 4.7 of this report.

6.0 NEXT STEPS

On agreement of the tenant panel framework proposed in this report a Terms of Reference and a Code of Conduct will be written based on the contents of this report. The Terms of Reference and Code of Conduct will then be put forward to Executive for their approval.

Once established the Tenant Scrutiny Panel will be reviewed after 12 months to ensure its effectiveness

7.0 ASSET MANAGEMENT IMPLICATIONS

7.1 No implications have been identified

8.0 FINANCIAL IMPLICATIONS (KB)

8.1 Part of the tenant participation budget will be allocated to support tenant scrutiny activities. The Tenant scrutiny panel will be responsible for meeting all costs associated with tenant scrutiny panel activities via this budget including training, promotion and admin. Panel members are required to utilise their budget in accordance with HBBC procedures. In order to ensure transparency of these costs, a new cost centre should be set up for these costs and the budget approved through a virement process.

8.2 Any financing or operational decisions identified by the Panel will be evaluated and considered for affordability and financial sustainability through the Housing Revenue Account Business Plan.

9.0 LEGAL IMPLICATIONS (AB)

9.1 Under the Localism Act, responsibility for social housing regulation passes to the Homes and Communities Agency (HCA) Regulation Committee from 1 April 2012.

9.2 The Regulatory Framework for Social Housing in England April 2012 issued by the HCA implements the amendments to the Housing and Regeneration Act 2008 introduced by the Localism Act 2011 and the Secretary of State's directions on specific standards.

9.3 There is a specific expectation within the Framework that registered providers will support the formation and activities of Tenant Panels.

9.4 Once set up the Tenant Scrutiny Panel is likely to be in receipt of personal information regarding tenants from the Council. Any release of such information will need to be compliant with the Data Protection Act and this should be governed through the Terms of Reference and Code of Conduct.

10.0 CORPORATE PLAN IMPLICATIONS

10.1 The tenant scrutiny panel would contribute to delivery of the corporate plan aims:

- Strong and distinctive communities
- Decent, well managed and affordable housing

11.0 CONSULTATION

11.1 A consultation event involving tenants, partners, stakeholders, members, officers and senior management was held in September 2012 and this consultation has been used to put together the Tenant Scrutiny Panel framework detailed within this report.

12.0 RISK IMPLICATIONS

12.1 There is a reputational risk to the Council if we do not respond to the Tenant Involvement and Empowerment Standard within the Regulations for Social Housing in England April 2012.

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Managing/meeting expectations of tenants.	Ensure tenants on the panel have a full understanding on where expectations may not be met e.g. where recommendations may not fit with political agenda.	RB
Capacity/resource issues for officers by potential increased workload from Scrutiny Panel requests	Scrutiny work plan submitted annually to enable resource capacity planning	RB
Culture change – scrutinised by tenant body	Full training for officers on the tenant scrutiny processes, the reasons and benefits of tenants scrutiny	RB

13.0 KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

13.1 See Section 4.4 of this report

14.0 CORPORATE IMPLICATIONS

14.1 Subsequent recommendations arising from the Scrutiny Panel and endorsed through Executive Committee, may require a reconfiguration of existing resources, and/or additional resources.

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