



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Scrutiny Commission 9 May 2024
Executive 22 May 2024

Wards affected: All wards

Social Housing Regulation Update – Housing Service Compliance and Performance

Report of Director (Community Services)

1. Purpose of report

- 1.1 To advise members of changes to legislation following the implementation of the Social Housing Regulation Act 2023.
- 1.2 To advise members of the council's progress with compliance in relation to key areas mandated by the Act.
- 2.2 To advise members of the new inspection routine set out by the Regulator of Social Housing.

2. Recommendations

- 2.1 That members note the new requirements of the Social Housing Regulation Act 2023.
- 2.2 That members note progress by the council's housing service in meeting new legislative requirements.
- 2.3 That members support and endorse the revised Damp and Mould policy.
- 2.4 That members note the new inspection regime introduced from the 1 April 2024 and the expectation that the council house service will be inspected every four years.

3. Background to the report

3.1 Following the Grenfell Tower tragedy in June 2017, after a period of engagement and consultation with social housing residents across the country, the Government published a social housing green paper. The green paper aimed to redress the relationship between residents and landlords. In November 2020 the Government published the Social Housing white paper which provided a charter for social housing residents. The charter laid out measures to deliver on the Government's commitment to balance the relationship between residents and landlords, empowering residents to have their voices heard whilst requiring greater transparency, particularly around safety, from landlords.

3.1.2 The Social Housing Regulation Act 2023 came into effect in July 2023. The Act aims to improve the lives of social housing tenants by strengthening regulations and the power of the Regulator of Social Housing. The Act has three core elements which are:

- to facilitate a new, proactive consumer regulation regime;
- to refine the existing economic regulatory regime; and
- to strengthen the Regulator of Social Housing's (Regulator) powers to enforce the consumer and economic regimes.

3.3 Social Housing Standards

Regulatory Standards set the outcomes that social landlords in England must deliver for tenants.

3.4 Existing Economic Standards

3.4.1 These standards are already in place. The Rent Standard applies to all landlords registered with the regulator, including local authorities. The Governance and Financial Viability Standard, and the Value for Money standard do not apply to local authorities but apply to other registered providers and housing associations.

- **Governance and Financial Viability Standard** – outcomes about how landlords are run and their finances.
- **Value for Money Standard** – outcomes about landlords making the best use of their resources to deliver their purpose.
- **Rent Standard** – outcomes about rents, as set out in government policy.

3.5 Consumer Standards

Whilst Housing Consumer Standards were already in existence under previous regulation, they have been amended as follows into 4 key areas.

- **The Safety and Quality Standard** – outcomes about the safety and quality of tenants' homes.

- **The Transparency, Influence and Accountability Standard** – outcomes about how landlords provide information, listen to tenants, and act on their views.
- **The Neighbourhood and Community Standard** – outcomes about how landlords work with other organisations to help ensure tenants live in safe neighbourhoods.
- **The Tenancy Standard** – outcomes about how landlords allocate and let homes and manage tenancies.

3.6 Meeting the new Standards

3.6.1 The Act introduces over 80 specific requirements outlined within the consumer standards. As such, the housing service has been working towards ensuring compliance with the revised standards. A self-assessment exercise has been undertaken and can be found in Appendix A. The self-assessment also identifies areas of development.

4 Other key requirements of the Act

4.1 New Tenant Satisfaction Measures

The Transparency, Influence and Accountability Standard requires all registered providers of social housing to collect and report annually on their performance using a core set of defined measures; Tenant Satisfaction Measures (TSMs). From 1 April 2023 all registered providers were required to generate and report tenant satisfaction measures (TSMs).

4.1.2 The council's housing service commissioned Housemark to undertake its TSMs to ensure impartiality and compliance with regulation. The council is required to collect TSMs on an annual basis going forward. The TSMs are a set of 12 tenant perception measures, with a further 10 management measures. To ensure compliance, the survey must be representative and at least 15% of the overall tenant base. The TSM survey undertaken by Housemark equates to a survey size of 17%, which equates to 550 tenants.

4.1.3 Overall 82.5% of tenants reported satisfaction with the housing service. Benchmarking information suggests that service is in a good position regarding tenant satisfaction. Appendix B provides further summary of the council's TSM results.

4.2 Tenant Safety: Awaab's Law

4.2.1 A key inclusion and amendment to the Social Housing Regulation Act is Awaab's Law which compels landlords to address issues in relation to damp and mould in set time limits. Revisions to processes in relation to damp and mould have recently been implemented and Appendix C provides a more detailed overview, including the revised damp and mould policy which has been coproduced with tenants.

4.2.3 The council is currently leading a project on behalf of the district and borough councils in Leicestershire. The project aims to provide a consistent approach to the identification and subsequent response to damp and mould concerns, identified across all tenures, by upskilling both housing and health frontline officers.

4.5 A Designated Person

4.5.1 The Act requires registered providers to nominate a designated person for health and safety issues. The Housing Assets and Support Teams Manager has been assigned this role. Quarterly performance meetings are held where all compliance and health and safety information collected by the service is reviewed.

4.6 Professionalism

4.6.1 The Social Housing Regulation Act introduces a requirement for social housing managers and executives to hold a professional qualification, equivalent to Ofqual Level 4 or 5 Certificate or Diploma in Housing, or a foundation degree from the Chartered Institute of Housing. Identified managers must evidence that they are working towards the qualification by March 2026.

4.6.2 Approximately 6 managers have been identified as needing this qualification which is likely to cost approximately £18,000. There is further requirement to evidence relevant training and professional development across the wider service, to ensure that all officers across both the service and housing sector more generally act in a professional manner and uphold the principles that have informed this legislation.

4.7 Resident Engagement and the Consumer Standards

4.7.1 The Consumer Standards require social landlords to move beyond limited resident involvement and establish a more comprehensive strategy. This means ongoing and integrated customer involvement. Over the last 12 months, the housing service has been working to improve opportunities for tenants' involvement. A number of key roles have been developed and recruited to, which will ensure that tenants have the opportunity to inform and shape service delivery. Appendix F provides an overview of tenant engagement over the last 12 months which has been led by our Service Development Team. A Tenant Influence and Scrutiny panel is also being finalised which is intended to empower tenants to hold the council accountable for the quality and delivery of its housing services and to give tenants a voice in the management and maintenance of the council's homes.

4.8 Complaint handling

4.8.1 Resident satisfaction with the delivery of services, and the way complaints are handled are a key focus area for both the Regulator and Housing

Ombudsman. The Act places the Housing Ombudsman's Complaint Handling Code on a statutory basis from April 2024, along with giving them the ability to intervene in delivery, with annual reports to be published on landlords' performance. An initial review of the housing service's approach to complaint handling is found in Appendix D. The council is soon to implement a corporate complaints policy which will also apply to complaints from council tenants. Appendix E provides an outline of the way complaints from tenants must be dealt with.

4.9 Enhanced powers for the Housing Ombudsman

4.9.1 Under the Social Housing Regulation Act, the Housing Ombudsman is now able to look at wider issues of fairness by investigating beyond an individual complaint, for example by looking to a specific policy area or practice. The Act provides the Housing Ombudsman with powers to publish statutory best practice guidance to landlords following investigations into tenant complaints and require a landlord to self-assess. The Complaint Handling Code is now on a statutory footing and introduces a new legal duty on landlords to comply with the Code.

4.10 Proactive enforcement powers

4.10.1 The Act removes the serious detriment test from the consumer standards for social homes. Previously the Regulator has been required to have reasonable grounds to suspect that a breach of the consumer standards has caused, or could cause, serious detriment to a social landlord tenant before it could exercise its intervention powers. By removing the serious detriment test, the Act places the consumer standards on an equal footing with the economic standards by allowing the Regulator to exercise its enforcement powers for any breach, or potential breach, of the consumer standards. This will also allow the Regulator to be more proactive in its regulation of the consumer standards.

4.10.2 The Act introduces new powers for the Regulator to authorise persons to enter premises to take emergency remedial action to remedy failures by a social landlord. The authorised person may enter the premises without a warrant at a reasonable time provided that a pre-entry notice has been given on at least 24 hours' notice. Should the authorised person not be able to access the premises then they may seek to obtain a warrant to allow them entry to carry out the emergency remedial action.

4.11 Inspection regime

4.11.1 From 1 April 2024 the Regulator commenced its inspection regime to ensure compliance with both the existing economic standard (where relevant), and increased regulations set out by the consumer standard. The Social Housing (Regulation) Act 2023 has put consumer standards on the same footing as economic standards and has given the Regulator of Social Housing (RSH)

new powers to regulate and enforce them. The council's housing service can expect to be inspected every four years.

4.11.2 The Act introduces a range of interventions for the Regulator, including the introduction of unlimited fines, the power to work collaboratively with landlords to make improvements via Performance Plans and the ability to remove senior managers and replace them with the Regulator's nominee.

5 Key risks/areas for improvement for the council's housing service

5.1 Following a self-assessment exercise the housing service can demonstrate full or partial compliance with most aspects of the new regulation. Information collated by the recent Tenant Satisfaction Measures shows that the service must work towards improving its processes around tenant complaints. The response rate showed a 46.5% satisfaction rate with complaint handling currently. As such the initial review of complaint handling will help inform areas of development.

5.1.2 Another area of challenge for the housing service relates to diverse needs information, which is set out within the Transparency, Influence and Accountability standard. The consumer standards introduce specific expectations about having robust information about tenants, so that landlords can deliver fair and equitable outcomes. The housing service currently uses MRI Housing as its housing management system. The system does not currently provide a sufficient method of ensuring that tenants' and household needs information is updated in a continuous way, across the service. The consumer standards mandate that providers should have a range of methods for collecting this information from tenants to encourage a good response rate. At the moment, the system only allows for back-office staff to update records via a lengthy process. To address this issue the service is exploring a system upgrade which will provide housing officers with the ability to update records whilst not in the office. Any upgrade is likely to require a capital investment and will need commitment from IT services to ensure provision for accessing our MRI database whilst outside of the office.

6 Monitoring

6.1 To ensure compliance quarterly performance information regarding key aspects of Social Housing Regulation will be provided to the Senior Leadership Team, the Executive and Scrutiny going forward.

7. Exemptions in accordance with the Access to Information procedure rules

7.1 To be taken in public session.

8. Financial implications (IB)

- 8.1 Any implications arising from the Regulation will need approval in accordance with financial procedure rules.

9 Legal implications (ST)

- 9.1 None

10. Corporate Plan implications

- 10.1 The objectives of this report align with the following aims of the corporate plan:

People: Help people to stay healthy, happy and active and continue to provide initiatives that support children and young people, older people and our vulnerable residents

11. Consultation

- 11.1 None

12. Risk implications

- 12.1 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks

Risk description	Mitigating actions	Owner
Failure to comply with regulatory requirements	Self-assessment against objectives completed, action plan devised to develop all areas of regulation	Head of Housing
Failure to meet requirements due to limited resource	Resource needs to be mapped out	Head of Housing
Additional financial burden on housing repairs budgets to meet regulation	Increased costs regarding damp and mould work under review	Gary Upton

13. Knowing your community – equality and rural implications

- 13.1 The objectives of this report relate to council tenants. Council housing is spread across the borough.

14. Climate implications

- 14.1 Regulatory reform imposed by the Social Housing Regulation Act will support the reduction of the council's carbon footprint.

15. Corporate implications

15.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

Background papers: None

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