

Board/Committee:	Housing Board
Date of meeting:	12 June 2024
Title:	Update on Housing Service preparedness for Social Housing (Regulation) Act 2023
Author:	Head of Housing
Status:	For Noting

Purpose

- 1) To update on the legislative and regulatory changes that have been introduced following the publication of the Social Housing White Paper in 2020.
- 2) To set out the actions taken by the Housing Service in response to legislative change.
- 3) To notify that the Head of Housing, Housing Service, is nominated as the 'responsible person' who is the point of contact for the Regulator of Social Housing, and who ensures compliance with the social housing regulatory standards.
- 4) To notify that the Property Services Manager is nominated as the designated employee to act as the lead for health and safety compliance in council-owned properties and buildings, working in partnership with the Corporate Health and Safety Manager. Ultimate responsibility for compliance lies with the Council.

Recommendation

That the Board notes the legislative and regulatory changes, and the actions taken by the Housing Service in response to these changes.

1.0 Background

- 1.1** Following the tragic Grenfell Tower fire in 2017, the Government committed to changes to the consumer regulation of social housing to strengthen the accountability of landlords for providing safe homes, quality services and treating residents with respect.

Following extensive consultations, tenants, landlords and other stakeholders have welcomed the introduction of measures intended to raise standards, increase transparency and accountability, and engage tenants.

- 1.2** The Government's Social Housing White Paper, published in 2020, introduced a Charter for Social Housing Residents that detailed what they should be able to expect from their landlords, including feeling safe in their homes, knowing how their landlords are performing and having their complaints dealt with promptly.

- 1.3** The Charter set out seven key commitments which were:

1. To be safe in your home,

2. To know how your landlord is performing, including on repairs, complaints and safety, and how it spends its money, so you can hold it to account,
3. To have your complaints dealt with promptly and fairly, with access to a strong Ombudsman who will give you swift and fair redress when needed,
4. To be treated with respect, backed by a strong consumer regulator and improved consumer standards for tenants,
5. To have your voice heard by your landlord,
6. To have a good quality home and neighbourhood to live in, with your landlord keeping your home in good repair,
7. To be supported to take your first step to ownership.

1.4 To meet these commitments, the Government worked closely with the Regulator of Social Housing and the Housing Ombudsman to create a strong consumer regulatory regime. The Social Housing (Regulation) bill was laid before Parliament on 08 June 2022 and received Royal Assent, becoming law on 20 July 2023.

2.0 Report

2.1 The Social Housing (Regulation) Act 2023 aims to balance the relationship between landlords and their residents by facilitating a new, proactive approach to regulating social housing landlords on consumer issues.

2.2 The Act aims to drive landlords' compliance with the consumer standards by empowering the regulator with new enforcement powers to tackle failing landlords.

2.3 How the Act sets out to deliver against each of the commitments is summarised as follows:

2.4 To be safe in their home

- The Act amends the regulator's objectives to explicitly include safety and requires social housing landlords to nominate a designated person responsible for complying with health and safety.
- The Act makes new provision for the introduction of new requirements for social housing landlords relating to electrical safety checks.
- Social housing landlords must also comply with all applicable health and safety legal requirements, for example, gas and fire safety.
- The Act introduces greater protections for tenants against serious hazards, such as damp and mould in homes (Awaab's law). Social housing landlords will be required to investigate and fix reported hazards in their homes within specified timeframes, or rehouse tenants where a home cannot be made safe.
- The Act sets a requirement for social housing landlords to work co-operatively with other agencies to tackle domestic abuse and enable tenants to access appropriate support and services.

2.5 To know how their landlord is performing

The Act will implement a set of policy measures to ensure that residents know how their landlord is performing and are able to hold them to account.

- It introduces a new access to information scheme permitting residents to access information concerning the management of their homes. Tenants of housing associations will be able to request information from their landlord in a similar way to how the Freedom of Information Act works for tenants of local authority landlords.
- Social housing landlords are required to collect and provide information in relation to the Regulator's Tenant Satisfaction Measures that will enable residents to know how their landlord is performing.
- Social housing landlords must inform the regulator on all material issues that relate to non-compliance or potential non-compliance with the consumer standards.

2.6 To have their complaints dealt with promptly

- The Act adds measures to formalise the relationship between the regulator and the Housing Ombudsman; building on the current Memorandum of Understanding to facilitate co-operation and provide better protection for tenants.
- The Act empowers the Housing Ombudsman to issue a code of practice about the procedures social housing landlords should have in place for considering complaints against them.
- The Housing Ombudsman is also empowered to issue guidance as to good practice and order a social housing landlord to self-assess that their policies and practices are consistent with the guidance issued.
- The Act enables the regulator to gain entry and conduct a survey of the condition of properties more quickly by reducing the notice period that must be given to residents from 28 days to 48 hours.

2.7 To be treated with respect

- To ensure residents receive a high level of service and are treated with respect at all times, the Act introduces a set of standards for social housing landlords, requiring social housing managers and executives to possess specific qualifications or be actively working towards gaining them.
- The Act mandates social housing landlords to provide tenants with information regarding their rights concerning their homes and how to make a complaint against their landlords.

2.8 To have their voice heard by their landlord

- The regulator is required to establish an 'Advisory Panel' comprising of a

range of voices across the sector, including tenants of social housing, to provide information and advise the regulator about matters concerning its functions.

- To improve the quality of the landlord tenant relationship, the consumer standards have been revised to require social housing landlords to take into account tenants' views, ensure equitable outcomes for all tenants and support effective scrutiny of their services by their tenants.

2.9 To have a good quality home and neighbourhood to live in

- The Act removes the 'serious detriment test' enabling the regulator to proactively use its monitoring and enforcement powers to intervene where landlords are performing poorly on consumer issues.
- The Act empowers the regulator to conduct routine inspections of social housing properties and issue a social housing landlord with a 'performance improvement plan notice' if they are failing to meet regulatory standards.
- In addition to reducing the notice period (see 2.2), the Act enables the regulator to arrange emergency repairs following a completion of a survey where an imminent serious health and safety risk has been identified.
- The Regulator is empowered to impose unlimited fines on social housing landlords who fail to meet required standards.

3.0 Revised Consumer Standards

3.1 A fundamental aspect of the enhanced consumer regulation role is the introduction of a revised set of consumer standards, establishing mandatory requirements for social housing landlords. The regulator will proactively assess social landlords' compliance with these standards, strengthening the accountability of landlords to their tenants.

3.2 To effectively fulfil its expanded consumer regulation objective and tackle issues affecting the social housing sector, the regulator conducted a review of its existing consumer standards leading to an introduction of four new standards that will underpin the regulator's approach to consumer regulation.

3.3 The four new consumer standards are:

- **Neighbourhood and Community Standard** – requires social housing landlords to engage with other relevant parties so that tenants can live in safe and well-maintained neighbourhoods, and feel safe in their homes.
- **Safety and Quality Standard** – requires social housing landlords to provide safe, good quality homes and landlord services to tenants.
- **Tenancy Standard** – sets requirements for the fair allocation and letting of homes, and how tenancies are managed and ended by landlords.

- **Transparency, Influence and Accountability Standard (including Tenant Satisfaction Measures)** – requires social housing landlords to be open with tenants and treat them with fairness and respect so that tenants can access services, raise complaints, influence decision making, and hold their landlord to account.

4.0 Housing Service response to the Act

- 4.1** The Head of Housing is nominated as the ‘responsible person’ who is the point of contact for the Regulator of Social Housing, and ensures compliance with the housing regulatory standards.
- 4.2** The Property Services Manager is nominated as the designated employee to act as the lead for health and safety compliance in council-owned properties and buildings, working in partnership with the Corporate Health and Safety Manager. Ultimate responsibility for compliance lies with the Council.
- 4.3** The Property Services Team has worked proactively, aiming to ensure compliance with the multiple changes introduced by the amended legislation. This includes an additional £1.5m allocated to the Repairs and Maintenance budget to undertake electrical safety checks and any remedial works, an updated Fire Safety policy, and a programme to install carbon monoxide monitors across the housing stock,

A Damp and Mould Policy is being drafted, and all reports of damp and mould are followed up with an inspection by one of the Property Services building surveyors within 14 days.

- 4.4** The Housing Service works closely with partners at Stop Domestic Abuse and Hampshire County Council (as the first tier authority commissioned to deliver domestic abuse support services) to tackle domestic abuse and comply with the changes to the Domestic Abuse Act 2021.

Funding was secured to recruit a co-located Domestic Abuse Advocate to provide dedicated intensive support and advocacy to adult victims of domestic abuse in the Council’s own safe accommodation. Dedicated support is also provided for the children and young people in the family, together with holistic family-centred support to the whole household. This role acts as an ambassador, delivering bespoke training sessions for officers regarding the Domestic Abuse Act 2021, and provides specialist advice and a drop-in service for the wider community.

- 4.5** The Housing Service has a statutory responsibility to provide annual performance data against a set of Tenant Satisfaction Measures (TSM’s) to the Regulator of Social Housing from April 2024, and must publish these results on the council’s website. An annual report must also be taken to Housing Board.

As this is the first suite of measures, landlords have been given until the end of June 2024 to make their submissions.

- 4.6** The TSM’s are categorised into 10 performance measures and 12 customer perception measures, collected using quantitative performance data and a standardised tenant perception survey. (Appendix 1)

- 4.7** The Regulator of Social Housing has provided detailed definitions of each of the TSM's, and provided clear guidance around how the tenant perception surveys must be carried out to capture accurate, robust and representative satisfaction scores that can be compared against other providers.
- 4.8** A tenant perception survey was undertaken between 14 July 2023 and 30 January 2024, and the full analysis of the responses can be found on the Council's website. A summary of the results are as follows:

TSM	Result
TSM01 Overall satisfaction	83%
TSM02 Overall repairs service	81%
TSM03 Repairs: Time taken	81%
TSM04 Home is well-maintained	74%
TSM05 Home is safe	80%
TSM06 Listens to views & acts on them	65%
TSM07 Keeps informed	72%
TSM08 Treated fairly & with respect	78%
TSM09 Approach to complaints	38%
TSM10 Communal areas	66%
TSM11 Contribution to neighbourhood	62%
TSM12 Approach to anti-social behaviour	61%

The survey results, including feedback, will be used to improve the way we deliver our services.

- 4.9** A Power BI Dashboard has been created to track and report on repair performance data. We are also collating data related to complaints and anti-social behaviour in readiness for submission before the June deadline, as well as reviewing all relevant processes and procedures to ensure compliance.
- 4.10** The Housing Ombudsman has produced a Complaint Handling Code that sets out the requirements for landlords to respond to complaints effectively and fairly. A legal duty has been placed on the Ombudsman to monitor compliance with the Code and all social landlords are required to submit an annual self-assessment and publish the results.
- 4.11** A Housing Service Complaints policy has been drafted to reflect the Complaint Handling Code, and will be presented to the next Policy and Organisation Board for approval. A self-assessment has been undertaken and demonstrates full compliance against the Code. The document is published on the Council's website.
- 4.12** The qualifications held by housing managers across the service have been reviewed in view of the new requirement that 'senior housing executives' will require a foundation degree or level 5 qualification in housing management. 'Senior housing managers' will require a level 4 qualification.

Whilst many senior housing staff are suitably qualified, they may be required to take additional modules to fully comply.

5.0 Risk Assessment

- 5.1** Compliance with the Social Housing (Regulation) Act 2023 is a statutory requirement. The Regulator of Social Housing will undertake an inspection every four years. The expectation is that social housing landlords will self-refer to the Regulator on any issues that relate to non-compliance or potential non-compliance with the consumer standards.

Failure to comply could lead to the Regulator having to take enforcement action. The Housing Service is reviewing all relevant processes and procedures to identify any areas of potential non-compliance in order to take remedial action or consider self-referral if needed.

- 5.2** There needs to be a continued focus on meeting the requirements of the Social Housing (Regulation) Act 2023, which will likely require additional resource to ensure compliance across a range of areas, including collating the performance data.

Additional resource from Portsmouth City Council was purchased to produce the Tenant Perception Survey and the Power BI Dashboard for the first suite of measures. However, additional resource will be required to manage and analyse complaints, anti-social behaviour and review policies and strategies to meet the requirements of the legislative and regulatory change.

Lack of resource could result in non-compliance and enforcement action against the Council. This also poses a reputational risk.

- 5.3** We will look at how existing resources are allocated, down-skilling where appropriate. We will also look at efficiencies, build resilience and identify service improvements to streamline services and drive out waste.

- 5.4** There will be a cost to the HRA to ensure relevant managers are suitably qualified in accordance with the new requirements. We are reviewing training delivery options and cost implications.

6.0 Conclusion

- 6.1** The legislative and regulatory changes that have been introduced are significant and wide-reaching, impacting the operational and strategic approaches taken in delivering housing services in the future, including where funds are allocated, the range of data collected and the way our residents are involved in all that we do.

- 6.2** As the Council responds and reacts to this new legislative and regulatory regime, and changes in service delivery which may attract opportunities for savings, or lead to additional expenditure, will be assessed and scrutinised appropriately.

- 6.3** Work has focused on establishing a strong foundation in readiness for

submitting the first suite of measures. Work will continue throughout the year to strengthen his initial work, further engage and consult with residents, and work with the Regulator of Social Housing to ensure requirements are met.

Financial Services comments:	Contained within the report.
Legal Services comments:	The legal comments as appropriate are alluded to in the body of the report.
Equality and Diversity:	An EIA was undertaken for the Social Housing (Regulation) Act 2023 at Government level.
Climate Change implications:	N/A
Crime and Disorder:	N/A
Corporate Plan:	Priority 6: Being a council that works together with our partners and communities to get things done: listening, innovating, and delivering value for money for the people of Gosport.
Risk Assessment:	Contained within the report
Background Papers:	None
Appendices:	Appendix one – Tenant Satisfaction Measures
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