

HOMES & COMMUNITIES COMMITTEE

15 MARCH 2021

SOCIAL HOUSING WHITE PAPER “THE CHARTER FOR SOCIAL HOUSING TENANTS”

1.0 Purpose of Report

- 1.1 To inform members about the Charter for Social Housing Tenants White Paper released in November 2020 and future positive impact this will have on the relationship between tenants and the Council going forward.
- 1.2. To set out for Members the new responsibilities placed upon the Council (and members) as a stock holding authority and landlord.

2.0 Background Information

- 2.1 Further to the release of the consultation Green Paper “A New Deal for Social Housing” released in August 2018, the Government released the much anticipated “Charter for Social Housing Tenants”.
- 2.2. The Charter aims to “Raise the standards of social housing and meet the aspirations of tenants throughout the country, today and in the future”. To do this, the paper splits the key themes into seven elements that form the Charter.

2.3 To be safe in your home

- 2.4 This section put tenants back at the heart of building safety and to ensure tenants feel safe in their homes, particularly poignant following the tragedy of Grenfell. The Regulator for Social Housing (RSH) who already set standards for the sector (both consumer and financial) will extend its reach by including safety in its consumer regulations.
- 2.5 The Council are required to nominate a responsible person to ensure that the landlord function complies with health and safety requirements. This person will ensure that an Engagement Strategy will be developed to ensure tenants have a say in all “high risk” buildings, (currently buildings over 6 floors or 18 metres high). The nominated person will also drive a strong culture across the organisation for prioritising and delivering health and safety requirements, ensure strong and robust health and safety systems are in the place and provide assurances to Members that health and safety risks are being managed effectively.
- 2.6 The RSH will also work closely with the Health and Safety Executive, sharing information where necessary to prevent further tragedy. Consultations closed in January on proposals for mandatory installations of smoke and carbon monoxide alarms in social housing, and measures to prevent poor electrical safety in tenants’ homes. Statutory and good practice guidance will be developed to ensure all tenures are engaged with in regards to home safety issues.

2.7 To know your landlord is performing

- 2.8 Performance monitoring has been a main stay of tenant engagement for some years. The Charter seeks to strengthen this to by including specific engagement on monitoring aspects of housing including safety. The RSH is expected to bring in a set of clear comparable tenant satisfaction measures above and beyond the usual information provided through the tenant annual report – and things that tenants care about - so they can hold their landlord to account.
- 2.9 To aid this, the RSH will collect and publish a core set of tenant satisfaction measures which the Council and all other social landlords will follow. Themes will be ‘good repair’, ‘building safety’, and ‘engagement and neighbourhood management’ (including ‘anti-social behaviour’). A mix of qualitative (tenants views and opinions) and objective quantitative measures to show not only that the Council are performing in line with the measures outlined, but also gives tenants an understanding of how the Council compares to others.
- 2.10 As Members will be aware, local authorities are covered by the Freedom of Information Act 2000, which is currently not extended to housing associations or private registered providers, the paper discusses a new access to information scheme private registered providers.
- 2.11 To ensure openness and transparency, the Council will be asked to share with their tenants’ financial information: how much money is available and specifically what it is spent on (including senior pay and employment costs) so tenants can see whether value for money has been achieved. The Council will provide a clear breakdown of spending to the RSH in an accessible format, so tenants can see - and challenge - whether money is being spent on things that matter to them.
- 2.12 The Council is required to identify a ‘responsible person’ at a senior level to ensure that the Council understand its commitments to the existing and enhanced consumer regulations, including providing excellent customer services to tenants. This person should be clearly identified to tenants, the regulator and the Housing Ombudsman.

3.0 To have your complaints dealt with promptly and fairly

- 3.1 The Charter seeks to strengthen the role of the Housing Ombudsman Service (HOS) and to connect it more closely with the RSH in response to tenants’ feedback that it is difficult to make complaints and matters took a long time to resolve.
- 3.2 To speed up resolutions of complaints and hold landlords to account, the ‘democratic filter’ which requires tenants to consult with an MP or Tenant Panel or Councillor, or wait eight weeks before tenants can contact the Ombudsman has been removed. The HOS will also receive extended powers to require landlords to address matters effectively and quickly though the intention is for landlords to resolve complaints without the HOS being involved. The Council have removed this filter and complainants can opt to have the independent view of an involved tenant at Stage Two of the (now shortened) complaints process.
- 3.3 Landlords and tenants have access to a ‘Complaint Handling Code’ for guidance on the HOS

website. The code sets out what tenants can expect from landlords who were required to undertake a self-assessment process and publish it by 31 December 2020. The Council's self-assessment is on our website and progress being made against areas of improvement identified.

- 3.4 The HOS can issue failure orders in many areas including: not completing complaints in a timely manner; making complaints process inaccessible for tenants, failing to abide by policy or failure to respond by set timescales without good reason. In extreme cases, legal action may follow.
- 3.5 Awareness campaigns will be run by HOS to ensure that tenants are aware of its powers and know their rights, how to complain and how to escalate unresolved matters. The Government will also make it a statutory requirement for the RSH and the HOS to co-operate in their requirements at holding landlords to account so 'systemic' failures in organisations can be investigated and clear breaches of the consumer standards reporting appropriately.
- 3.6 Landlords will also be 'named and shamed' on the HOS website detailing the complaints that have been handled by the Ombudsman and the outcomes, including determinations of individual cases.
- 3.7 **To be treated with respect, backed by a strong consumer regulator for tenants**
- 3.8 The paper sets out a stronger cooperation between the HOS and the RSH and joint working on consumer standards, while enhancing the powers available to both agencies. The Building Safety Bill will give powers to both parties to information share and sets a reciprocal duty of co-operation.
- 3.9 The Government intend to introduce a probative, proportionate, outcome focused, and risk based approach to consumer regulation, providing parity with the RSH's economic regulation.
- 3.10 On top of the changes already mentioned, such as the removal of the serious detriment test and the increased robustness of the Ombudsman, the Government intend to change the objectives of the regulator to focus on safety and transparency to look at reviewing its current consumer standards and deliver its revised objectives. This will be followed by a code of practice on the new standards when produced, making it easier for landlords to follow what is required of them in delivery.
- 3.11 The RSH will also have increased enforcement powers on failing landlords, introducing 'no cap' fines and improvement plans to ensure compliance including a new power to arrange emergency repairs when needed when a survey uncovers systemic landlord failures.
- 3.12 There will also be a review of the statutory Right to Manage guidance.
- 3.13 Landlords are required to self-refer if it feels it has breached the consumer standards. The existing co-regulation regime relies on elected Members as local authority landlords to ensure that the authority complies with the outcome focussed standards set by the RSH. As such, Members need sufficient oversight to ensure that the authority is compliant with the standards.

3.14 'Oversight' by RSH will be increased through the introduction of routine inspections (every four years for NSDC) to ensure that landlords are complying with the standards which will be published on the RSH website. Landlords with greatest risk or impact of failing could have priority for closer inspection. Greater scrutiny could occur where a significant breach has been identified on a routine inspection. Further detail to follow on how these inspections will occur; the approach and likely notice periods to the landlord.

3.15 In cases where other regulatory interventions have not addressed the problem, the Government will legislate to require a landlord, in emergency situations to inspect a property where tenants are living in unsafe or unacceptable conditions. This requirement will fall from the current 28 days to 2 days to allow the RSH to take decisive action including arranging emergency repairs of dwellings where there is clear systemic failure by a landlord. Costs would be recovered from the Landlord.

4. **To have your voice heard by your landlord**

4.1 The RSH expects the Council to seek out best practice and ensure continuous improvement on the way we engage with tenants and that we deliver new opportunities for engagement and empower tenants to engage more effectively - with the tools to influence us and hold the Council to account. We need to ensure that staff are trained to a high standard of customer care.

4.2 Engagement will need to be tailored to suit the needs of tenants, using more of a menu approach so that tenants can choose the level of involvement suitable to them and their needs, together with a culture of 'continuous improvement'. This could be drawing on best practice and success in other locations where engagement is proving successful or introducing innovative and exciting opportunities ourselves. The Council need to evidence how we have done this. Tenant led national bodies will provide learning and support to tenants to enable them to know their rights and how to influence us as their landlord.

4.3 Mentioned in the green paper and also briefly in the Charter, is the issue of tenant stigma, where people who live in social housing are seen as lesser citizens in the community than those who own their own properties. Tenants felt the stigma needs to be addressed and a campaign to do this called 'See the Person' is being championed by TPAS and the Chartered Institute of Housing (CIOH) and Association of Retained Council Housing (ARCH).

4.4 **To have a good quality home and neighbourhood to live in**

4.5 The paper recognises the need for the Council to play our part in providing decent homes in a good clean neighbourhoods, to build on the pride that tenants feel for their communities.

4.6 Funding opportunities are coming through to support the decarbonisation of social housing. A 25 years Environment Plan to improve health and wellbeing in communities is also mentioned. There is a willingness to provide design and planning guidance to ensure more green space is made available for communities in development. The Government are considering a review the Decent Homes Standard to see if it should be updated to reflect this.

4.7 The government also propose to consider professionalization in relation to housing staff who work with people with mental health needs and encourage best practice; clarify the roles of agencies involved in tackling ASB and signposting tenants to the most appropriate agencies for support. This will include the Council advertising the 'Community Trigger' brought about by the ASB, Crime and Policing Act 2014.

4.8 We have a duty to protect the most vulnerable in our communities and in particular when domestic abuse occurs. The Council must have a policy setting out standards for tackling issues surrounding domestic abuse.

4.9 Allocations will also be considered to ensure that housing is allocated in the fairest way possible and achieves the best outcomes for local places and communities. This includes provision for those in the Armed Forces who can be exempt from any local connection test, and that our systems can identify applications from the armed forces community to ensure they are considered appropriately.

4.10 **To be supported to take your first step to ownership**

4.11 The Government is seeking to increase the supply of social housing and a new Shared Ownership model giving tenants the opportunity to purchase 10% or more of all grant funded new homes.

4.12 The Government want Local Authorities to build more homes and take advantage of the new Affordable Homes Scheme; including the possibility of providing greater flexibilities for local authorities to use receipts from Right to Buy sales. This is currently being considered following consultation.

4.13 The Government have pledged their commitment to promoting fairness and transparency for leaseholders both in the private and rented sector including the reform of ground rents, banning new leasehold houses, making it quicker and easier to extend a lease or buy a freehold, reinvigorating common hold and the Right to Manage.

5.0 **Digital Implications**

5.1 There are no direct digital implications arising from this report though digitalisation of services for tenants is likely to form part of future papers to this committee.

6.0 **Financial Implications FIN20-21/1350**

6.1 There are no direct financial implications arising from this paper although a request may be made to set aside budget for independent scrutiny of our compliance with the Charter.

7.0 **Community Plan – Alignment to Objectives**

7.1 This report support two objectives in our Community Plan – to create vibrant and self-sufficient local communities where residents look out for each other and actively contribute to the local area and to create more and better quality homes through our roles as landlord, developer and planning authority.

8.0 Comments of Director(s) or Housing Advisory Group

- 8.1 This paper was presented to HAG on 21 December 2020 and was welcome by the Group who support all recommendations and ask for regular updates on progress to be reported to this Committee and tenant forums.
- 8.2 Following the meeting on 18th February, the involved tenants and HAG members confirmed they have had discussions on the White Paper with TPAS and some members have taken part in Webinars discussing the new roles of the Regulator and Ombudsman.
- 8.3 With this in mind, involved tenants are presently updating the terms of reference and related procedures and will be presenting to Council to endorse. The group are looking at existing and future ways to improve meaningful Tenant Engagement and Involvement.

9.0 RECOMMENDATION(S)

Members note the contents of the report and that:

- 1. The Director of Housing and Health and Wellbeing is nominated as the ‘responsible person’ who is the point of contact and ensures compliance with the housing regulatory standards until such time as any legislative guidance being issued.**
- 2. The Business Manager for Asset Management is nominated as the ‘responsible person’ for ensuring Health and Safety in Council properties and buildings in advance of any legislative guidance being issued.**
- 3. Support the production of an action plan to address the requirements of the Charter with regular updates on progress reported to Homes and Communities Committee.**

Reason for Recommendation(s)

To take proactive first steps in complying with the requirements of the Tenants Charter and to commence ongoing action planning to ensure this important and wide reaching change in approach is given sufficient priority and consultation as we move forward.

Background Papers

Social Housing White Paper “The Charter For Social Housing Tenants”

For further information please contact Terry Bailey, Tenant Engagement Officer on Ext 5833

Suzanne Shead
Director of Housing, Health and Wellbeing