

**Classification:** Public

**Key Decision:** No

## **Gravesham Borough Council**

**Report to:** Housing Services Cabinet Committee

**Date:** 23 March 2021

**Reporting officer:** Jody Bulman, Service Manager (Housing Landlord Services)

**Subject:** Social Housing White Paper - A Charter for Social Housing Residents

### **Purpose and summary of report:**

To provide Management Team with an overview of the Social Housing White Paper - A Charter for Social Housing Residents summarising the seven elements set out within the Charter and the implications this has for social landlords, and Gravesham in particular.

### **Recommendations:**

1. None - this paper is for information only at this point and to highlight the future changes that will need to be incorporated into Housing Services to ensure we are meeting the obligations within the new Charter.

## **1. Introduction**

- 1.1** The Charter for Social Housing Residents was published on the 17 November 2020 by the Ministry of Housing, Communities and Local Government (MHCLG) with the promise of stronger consumer rights alongside more opportunities for tenants to scrutinise social landlords. Whilst not the sole reason for the new Charter, much reference is made to the Grenfell tragedy, resulting in Ministers pledging tougher regulation for social landlords, with tenants better able to hold their landlord account.
- 1.2** The main proposals in the Charter are to:
  - 1.2.1** Ensure routine inspections for larger landlords (over 1,000 units) every four years.
  - 1.2.2** Expand the remit of the Regulator of Social Housing to include building safety.
  - 1.2.3** Strengthen the Regulator's enforcement powers to tackle failing landlords.
  - 1.2.4** Require social landlords to identify a named person responsible for health and safety.
  - 1.2.5** Create tenant satisfaction measures for social landlords.

- 1.2.6 Ensure landlords provide a breakdown on how their income is spent.
- 1.2.7 Increase the role of the Housing Ombudsman and how it works with the new Building Safety Regulator
- 1.3 The Charter also makes seven key promises to social housing tenants as follows:
  - 1.3.1 **To be safe in your home:** we will work with industry and landlords to ensure every home is safe and secure.
  - 1.3.2 **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.
  - 1.3.3 **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.
  - 1.3.4 **To be treated with respect:** backed by a strong Consumer Regulator and improved consumer standards for tenants.
  - 1.3.5 **To have your voice heard by your landlord:** for example through regular meetings, scrutiny panels or being on its Board. The government will provide help, if you want it, to give you the tools to ensure your landlord listens.
  - 1.3.6 **To have a good quality home and neighbourhood to live in:** with your landlord keeping your home in good repair.
  - 1.3.7 **To be supported to take your first step to ownership:** so it is a ladder to other opportunities, should your circumstances allow.
- 1.4 The charter sets out the expectations of social landlords in order to meet these promises, which are reviewed in more detail in Section 2 of this report. A copy of the Social Housing White Paper can be found in Appendix 2.

## 2. Obligations placed on social housing landlords

- 2.1 **To be safe in your home;** the Charter aims to create a culture where landlords effectively engage with tenants on safety issues. The Building Safety Bill (July 2020) is being utilised to deliver this, which places a requirement for an 'accountable person' to implement a tenant engagement strategy, promoting participation in safety decision making for tenants and leaseholders deemed to be living in a 'higher-risk' building. Engagement should ensure that:
  - 2.1.1 Tenants automatically receive information regarding the fire and structural protections in place to manage any identified risks within the building.
  - 2.1.2 Tenants can access the Building Safety Case Report; a report which is the responsibility of the accountable person to produce and highlighting how major risks are being managed in the building. The Building Safety Bill published in July 2020 define a Safety Case Report as: 'A structured argument, supported by a body of evidence that provides a compelling, comprehensible, evidenced and valid case as to how the Accountable Person is proactively managing fire and structural risks in order to prevent

a major incident and limit the consequences to people in and around the building’.

- 2.1.3 Tenants have a quick and effective route to raise complaints relating to fire and structural safety.
- 2.1.4 Tenants are provided with information to enable them to understand and fulfil their safety obligations.
- 2.2 As part of this commitment, and whilst not yet formalised, MCHLG recently conducted a consultation, which ended on 11 January 2021, proposing that social landlords install a smoke detector on each storey of a premises where there is a room that is wholly or partly used as living accommodation and that carbon monoxide detectors should also be installed in any room used as living accommodation with a fixed combustion appliance. The result of the consultation could be that this becomes a legal requirement.
- 2.3 **To know how your landlord is performing:** the Charter seeks to redress the balance between landlords and tenants, ensuring transparency and accountability and that landlords consider their purpose and their tenants at all times. Much of this section is aimed at Housing Associations and concerns regarding excessive administration costs and CEO salaries, however, it does place additional responsibilities on Local Authorities by introducing:
  - 2.3.1 A set of tenant satisfaction measures from the Regulator of Social Housing. Whilst the Regulator has not yet published the satisfaction measures nor set out the process for collecting and reporting on the data, it is expected to include themes such as properties being in good repair, building safety, engagement and neighbourhood management including Anti-Social Behaviour (ASB). The draft tenant satisfaction measures can be found in Appendix 3.
  - 2.3.2 A new access to information scheme, so that information relating to landlords is easily accessible to tenants. This is very much aimed at Housing Associations to bring them in line with Local Authorities, as we already provide information via the Freedom of Information Act 2000. However, if a tenant feels their landlord has unreasonably withheld information, they can challenge the review, first by internal review and then escalated to the Housing Ombudsman.
  - 2.3.3 A requirement for landlords to publish a breakdown of how their income is spent including CEO salary and management costs.
  - 2.3.4 A requirement to identify a ‘responsible person’ at a senior level to ensure compliance with the consumer standards set out by the Regulator of Social Housing. The responsible person will need to be clearly identified to tenants, the Regulator and the Housing Ombudsman.
  - 2.3.5 An expectation that landlords will provide a report to tenants relating to all of the above at least once a year.
- 2.4 **To have your complaints dealt with promptly and fairly:** the Charter will again bring Housing Associations more in line with Local Authorities by reducing the stages in the complaint process, enabling tenants to refer complaints directly to the Housing Ombudsman after exhausting the landlords complaints process without the need to seek prior help of an MP or Councillor or other designated

person. Landlords will be expected to comply with the Housing Ombudsman's Complaint Handling Code, and from March 2021 the Ombudsman will be publishing on its website the reports of complaints handled for individual landlords and the determination of these cases.

- 2.5 To be treated with respect;** the Charter will transform the Regulator of Social Housing enabling a more proactive approach to consumer standards. Whilst not published yet, there will be a Code of Practice relating to consumer standards that will dictate what a landlord is required to deliver. The Regulator of Social Housing has just appointed a Director of Consumer Regulation, Kate Dodsworth.
- 2.6** Government will legislate to remove the 'serious detriment test' that is currently in place and will instead introduce a system of routine inspections to ensure that consumer standards are complied with. In addition, landlords will be expected to self-refer any breaches directly to the Regulator. Inspections will take three different forms:
- 2.6.1 Desk-top reviews – to identify any landlords at risk of non-compliance.
- 2.6.2 A risk-based programme of inspections. For landlords of over 1,000 homes this will be at least every four years.
- 2.6.3 Reactive investigations/inspections where specific issues arise.
- 2.7** The Regulator will have enhanced powers to enforce non-compliance. These are things such as reducing survey notice periods from 28 to 2 days, carrying out repairs on behalf of landlords and removing the cap on fines issued for non-compliance. Where a landlord is found to be non-compliant with the standards the findings will be made public by the Regulator.
- 2.8 To have your voice heard by your landlord:** the Charter focuses on improving the way in which we engage with our tenants, placing a requirement on landlords to evidence how they sought ways to improve engagement. This will include landlords tailoring engagement by delivering a range of activities in addition to informing tenants on how they can be involved and their right to be involved. The aim is that tenants will receive the tools to better influence and hold their landlords to account, driving a higher-quality service that meets tenants needs.
- 2.9** As part of this there will be a review of professional training and development for staff, including a consideration of minimum level of qualifications and standards for Social Housing staff in all roles.
- 2.10 To have a good quality home and neighbourhood to live in;** at present the landlord obligations under this promise are the least clear as the Charter mainly makes reference to the initial actions that the Regulator needs to take. Whilst it is clear that there will be further obligations, we will need to wait for the result of the Government's reviews before being able to implement the required changes. These reviews will cover a:
- Review of the Decent Homes Standard.
- 2.10.1 Professionalism review to see if staff are suitably equipped to work with tenants with mental health needs.
- 2.10.2 Clarification on the roles of agencies involved in tackling anti-social behaviour, clarifying the responsibilities of the Police, local authorities and

landlords and the inclusion of ASB within the Tenants Satisfaction Measures.

- 2.10.3 Review to ensure that housing is allocated in the fairest way possible. Government has recently carried out an allocation evidence collection exercise. The results will shortly be published, but this evidence will be used to review whether improved working is needed between Local Authorities and Housing Associations to ensure efficient allocation; removing the barrier for homeless households to accessing social housing; ensuring that vulnerable households can navigate Local Authority allocation systems and improving access to suitable homes for disabled people.
- 2.10.4 Review of regulatory standards to ensure that landlords have a policy to tackle issues surrounding domestic abuse.
- 2.11 To be supported to take your first step to ownership:** this promise is aimed at Housing Associations more than Local Authorities as it looks at the pilot voluntary Right to Buy and the new Right to Shared Ownership for Housing Association tenants. However, we should be mindful that under this heading the Government will be launching a Leasehold Reform Programme at some point, which will look at the consultation process for major works and how fees such as service charges should be presented to leaseholders.
- 2.12** On the 11 January 2021, The Rt Hon Robert Jenrick MP (Secretary of State for Housing, Communities and Local Government) advised that Leasehold Reform would be delivered by two forms of legislative changes, taking approximately 12 months to become law. These changes will be to:
  - 2.12.1 Reform the process of enfranchisement valuation used to calculate the cost of extending a lease or buying the freehold.
  - 2.12.2 Abolish marriage value
  - 2.12.3 Cap the treatment of ground rents at 0.1% of the freehold value and prescribe rates for the calculations at market value. An online calculator will simplify and standardise the process of enfranchisement.
  - 2.12.4 Keep existing discounts for improvements made by leaseholders and security of tenure.
  - 2.12.5 Introduce a separate valuation method for low-value properties
  - 2.12.6 Give leaseholders of flats and houses the same right to extend their lease agreements 'as often as they wish, at zero ground rent, for a term of 990 years'.
  - 2.12.7 Allow for redevelopment breaks during the last 12 months of the original lease, or the last five years of each period of 90 years of the extension to continue, 'subject to existing safeguards and compensation'.
  - 2.12.8 Enable leaseholders, where they already have a long lease, to buy out the ground rent without having to extend the lease term.

### **3. Implications for Gravesham and Housing Services**

**3.1** The obligations listed above have a number of implications for Housing and the Council as a whole, which need to be considered to ensure we are compliant and up-to-date with any legislative changes. The initial implications are considered below and a table of identified actions as a result of the implications can be found in Appendix 4.

#### **3.2 To be safe in your home**

**3.2.1** Gravesham have been proactive in terms of safety measures within the housing stock by creating new policies and processes in recent years to increase the safety of our tenants and aligning what we do as a social landlord to what is expected of landlords in the private rented sector.

**3.2.2** Having reviewed all the recently created policies in relation to safety in Council housing (gas, Legionella, fire, asbestos etc) it is clear that the Chief Executive is the Council's 'accountable person'. However, whilst this is within our policies, it is not communicated to tenants anywhere else. As the changes recommended through the White Paper increase the responsibility of the accountable person to delivering additional objectives it would be a good time to review whether this role should solely be for the Chief Executive, given that it will need to be more widely publicised.

**3.2.3** A Building Safety Case Report will need to be produced for all of Gravesham's identified 'higher-risk' buildings. The Safety Report will need to contain evidence of identified hazards; evaluation of who might be harmed and how; evaluation of the risk associated with these hazards; necessary control and mitigation measures to address the hazards, records of findings and implementation measures; evidence of evaluation and ongoing monitoring of the hazards. This should not be a particularly onerous task as this information is already held by the Council, but will need collating into the Building Safety Case Report Format with easy access for tenants.

**3.2.4** To ascertain how prepared we are for the outcome of the 'be safe in your home' consultation, work has been undertaken with the Service Delivery Manager (Housing Repairs) to review the current position with regards to smoke detectors and carbon monoxide detectors in Council homes. Despite not being required to do so, the Council took the decision two years ago to install a carbon monoxide detector in every council property. This programme is due to be completed by the end of this financial year, 2020/21.

**3.2.5** With regards to smoke detectors - again, Gravesham are in a good position which will be strengthened throughout the coming financial year when the programme to install smoke detectors on all storeys of premises that have living accommodation commences on 1 April 2021. The work will be carried out by our own in-house workforce as part of the electrical upgrade programme.

**3.2.6** Our electrical testing programme is already in place and ensures that every home has a valid electrical test every five years, the same as that is required in the private rented sector. The team has put a lot of effort in to

developing this programme over recent years with the help of colleagues in Finance and going forward will be completed by our in-house workforce from April 2021.

### **3.3 To know how your landlord is performing**

- 3.3.1 Unfortunately, Housing Services has not published an annual performance report for some time. However, following the well-received first annual report for DSO Building Management for the financial year 2019/20, the intention is to expand this report to provide key information to our tenants about all housing services including how money is spent.
- 3.3.2 Whilst the Consumer Standards and Code of Practice have not yet been confirmed, we should and will start to prepare ourselves for what an inspection may look like, testing each service against the draft tenant satisfaction measures as shown in Appendix 3 in order to satisfy ourselves that should we receive a two-day notice of inspection that we could confidently handle this without the result of the Regulator stepping in to carry out repairs and/or issuing a significant fine.
- 3.3.3 Since May 2020 there has been an increased focus on performance which has been enhanced and refined following the appointment of Service Manager (Housing Landlord Services) and therefore confident that Gravesham are in a strong position in terms of performance data.
- 3.3.4 What will need to be expanded is the sharing of performance data and the capturing and measuring of tenant satisfaction. As part of the Housing Services two-year project plan, the Housing Management Team will explore ways of achieving this, and this may form part of the Tenant Engagement Officer's role supported by on-going capturing of satisfaction through various departments (repairs, housing management, leaseholders, major and planned works etc.). It is likely that the digital team will be required to support any changes and to capture satisfaction digitally.

### **3.4 To have your complaints dealt with promptly and fairly**

- 3.4.1 The Council already has a complaints process in place which has recently been reviewed and updated against the Housing Ombudsman expectations. Whilst this is a positive move, the corporate complaints policy will need to be updated further to reflect the additional requirements of the Charter, including the collection of tenant satisfaction for handling of complaints.
- 3.4.2 The additional requirements set out in the new 'access to information' scheme will also need to be accounted for and reflected in policy whilst being mindful that the Housing Ombudsman will be publishing all Gravesham complaints handled by them and the determination of these cases.

### **3.5 To be treated with respect**

- 3.5.1 Whilst many of the elements of this promise remain unknown owing to the Code of Practice for Consumer Standards not yet being published, by taking action regarding the other promises this should stand us in good stead for being reviewed on a regular basis.

- 3.5.2 We already know that due to the number of properties we manage, that we will be subject to four-yearly inspections. Owing to the very nature of being a public authority we are used to regular scrutiny and audits, so another inspection should not cause due concern and alarm.
- 3.5.3 Many of the promises make reference to landlords needing to seek out best practice to continually consider ways to improve and until the Code of Practice is published we will continue to seek best practice in the manner in which we already do. Currently, we attend and share best practice with:
  - 3.5.3.1 Kent Housing Group and the various sub-groups
  - 3.5.3.2 London DSO Group
  - 3.5.3.3 Oneserve network group
  - 3.5.3.4 Active Housing network groups
  - 3.5.3.5 MRI / Castleton user groups
- 3.5.4 In addition to this, the Housing Service will soon be corporate members of the Chartered Institute of Housing (CIH) along with the Housemark Voids and Repairs Club. Membership of Tenant Participation Advisory Service (TPAS) will also be a key to support our engagement with tenants and officers are currently progressing this as identified in the Housing Services two year project plan.

### **3.6 To have your voice heard by your landlord**

- 3.6.1 Tenant engagement has been somewhat lacking at Gravesham for a considerable amount of time. However, the team responsible for engagement will soon be increased so that Housing Services has two full-time officers working on meaningful engagement.
- 3.6.2 A new job description has also been created and introduced to ensure that engagement is meaningful and more focused. One of the first tasks for this re-energised team will be to assist in the creation of a Tenant Engagement Strategy and the Compliance and Projects team will be heavily involved in this process from a building safety point of view.
- 3.6.3 Owing to the amount of engagement and measurement of tenant satisfaction that will be required in the future, it is possible that the team responsible for this area of the business will need to be increased. Specifically in relation to building safety, that could mean the creation of a relatively senior management position within Housing Services.

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

- 3.7.1 There has been a considerable amount of work undertaken in relation to Decent Homes Standard. Planned work programmes have been running for a number of years for kitchen, bathrooms, heating and roofing all of which fall under the Decent Home Standard. Stock condition surveys have been carried out on all our properties which covers all areas of the standard. Any hazards which fall under Housing Health and Safety Rating System (HHSRS) are identified in either the stock condition survey or during the day to day responsive work and are prioritised accordingly.



- 3.7.2 The Housing Allocation Scheme has recently been updated to ensure that we are allocating housing in the fairest way possible and in line with the most up to date legislation to ensure that allocations are not only fair but are allocated within legal guidelines. The Housing Allocation Scheme will go live on 5 April 2021.
- 3.7.3 Depending on the outcome of the Government review, current staff may need to undertake further training and qualifications in order to meet the minimum standards required for Social Housing staff. This will have financial implications, as Gravesham will be expected to bear the cost of any additional training needs.
- 3.7.4 However, being a corporate member of the CIH will go some way to mitigate this, as all officers will have access to best practice documents, policy briefings and a dedicated and personal continuous professional development (CPD) zone. The Chartered Institute of Housing is the professional body for those working in the housing sector and therefore, any new requirements in terms of training and qualifications is likely to be developed by them, to which their members will have access.

### **3.8 To be supported to take your first step to home ownership**

- 3.8.1 As explained in Section 2.11 of this report, whilst the ownership element of this commitment relates to Housing Association, there are likely to be changes to leasehold charges.
- 3.8.2 Gravesham is currently undertaking a review of leasehold, which will be strengthened in the future with a review of charges due to take place soon in conjunction with colleagues in Finance in preparation for the introduction of a specific service charge module within the new housing system.

### **3.9 Summary**

- 3.9.1 As officers work through each theme within the White Paper, there will be a need to get colleagues from other departments involved such as Finance, Communications, Digital, Legal and Audit but hopefully nothing too onerous and officers leading on specific obligations as outlined in Section 2 of this report will ensure that colleagues outside Housing Service are engaged as soon as possible.
- 3.9.2 The changes made within Housing Services over the last four years have placed the authority in a good starting position to build on the achievements to date and to take forward and implement the new obligations placed on Housing Services through the White Paper without significantly increasing workloads or resources.

## **4. BACKGROUND PAPERS**

### **4.1 None**

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
<b>Legal</b>	As a landlord, the Council will need to ensure compliance with any statutory obligations that may be implemented as a result of the Social Housing White Paper
<b>Finance and Value for Money</b>	There is the potential for additional costs should staff require a minimum level of training and qualification as alluded to in the Charter. However, no additional staff will be required to deliver these enhanced services and tenant satisfaction levels should increase due to having greater involvement in how we engage with them and deliver services to them.
<b>Risk Assessment</b>	If we do not adhere to the new Code of Practice and Consumer Standards when they are issued, there is the risk that we will be non-compliant, that could result in forced inspections, potential fines and negative publicity should Gravesham not meet the requirements set out in the Charter for Social Housing residents
<b>Data Protection Impact Assessment</b>	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>
	<p>a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p>
	<p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A</p>
	<p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>.</p>
<b>Equality Impact Assessment</b>	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p>
	<p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. N/A</p>
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
<b>Corporate Plan</b>	<p>#1 People - Provide a Proactive, Supportive and Efficient housing management service: high quality tenancy management experienced through a service making full use of its assets.</p> <p>#2 People - Safeguard Residents, put in place a package of housing measures and creative interventions that support the most vulnerable people.</p> <p>#2 Place Develop a Cohesive and Resilient Community, implement a leading programme of engagement initiatives, showcasing the borough's diversity and enabling greater participation in civic life.</p>

<b>Climate Change</b>	N/A
<b>Crime and Disorder</b>	N/A
<b>Digital and website implications</b>	More information will need to be provided to tenants in a digital format. the website will need to be updated to reflect this.
<b>Safeguarding children and vulnerable adults</b>	N/A