

## **HIGH PEAK BOROUGH COUNCIL**

### **The Executive**

**10 February 2022**

<b>TITLE:</b>	<b>Social Housing White Paper</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Councillor Fiona Sloman - Executive Councillor for Housing and Licensing</b>
<b>CONTACT OFFICER:</b>	<b>Helen Core - Head of Housing Services</b>
<b>WARDS INVOLVED:</b>	<b>All</b>

### **Appendix A – Draft proposed response to consultation**

#### **1. Reason for the Report**

- 1.1 The purpose of this report is to inform members of the contents of the Government's White Paper in relation to Social Housing.
- 1.2 The report looks at the proposals contained in the White Paper and the current estimated implementation timetable.
- 1.3 It then outlines the implications for the Council, including details of the new Charter/Consumer Standards which will now apply to it in its role as social Landlord, and the enforcement powers available to the regulator of Social Housing in the event of default.
- 1.4 It highlights the approach which officers are taking to assess the Council's compliance with the Standards and highlights the work of TPAS around tenant engagement and provides a high level summary of the compliance assessment currently.
- 1.5 Finally, the report confirms the consultation on Tenant Satisfaction Measures currently being undertaken by the Regulator and provides a suggested response from the Council.

#### **2. Recommendation**

- 2.1 That the Executive notes the approach being taken in relation to the White Paper and the implications for the Council.
- 2.2 That the Executive supports the response to the consultation exercise in relation to Tenant Satisfaction Measures as set out in Appendix A.

### **3. Executive Summary**

- 3.1 The Social Housing White Paper seeks to make landlords more accountable and afford tenants greater opportunity to influence the activities of their landlord and hold them to account through the introduction of a National Tenants Charter. Subject to legislation, the provisions of the Charter will apply to the Council in its role as social Landlord, including the enforcement role of the Regulator of Social Housing, and the report sets out the detail of the proposed Charter and outlines the implications to the Council.
- 3.2 A consultation exercise is currently being undertaken by the Regulator of Social Housing around the specific Tenant Satisfaction Measures that will be implemented under the White Paper proposals. A draft response to the consultation exercise is outlined at Appendix A.
- 3.3 Work is already underway to ensure that the Council is able to comply with the requirements contained within the White Paper and the report outlines the approach being taken, with an assessment of the Council's current compliance.

### **4. How this report links to Corporate Priorities**

- 4.1 This report links to Aim 1 - Supporting our communities to create a healthier, safer, cleaner High Peak.

### **5. Alternative Options**

- 5.1 The measures contained within the White Paper are highly likely to be introduced and following legislation it will be a regulatory obligation for the Council to comply with them.

### **6. Implications**

- 6.1 Community Safety - (Crime and Disorder Act 1998)  
Chapter 6 of the proposed Charter covers this area of work.
- 6.2 Workforce  
There are some additional duties for several service areas and there may be additional resource requirements highlighted by the officer working group as implementation progresses.
- 6.3 Equality and Diversity/Equality Impact Assessment  
An EIA has been completed by the Regulator as part of the proposed approach.
- 6.4 Financial Considerations  
There will be some resource implications in ensuring compliance. Further, failure to comply with the compliance measures potentially attracts an unlimited fine although the detail around this has yet to be made available.

- 6.5 Legal  
As considered within the report. The Council will be required to comply with the new measures following legislation.
- 6.6 Climate Change  
Chapter 1 of the proposed Charter relates to the upkeep of properties and considers their environmental impact.
- 6.7 Consultation  
The Tenant Satisfaction Measures are currently open to consultation and a draft response is included at Appendix A.
- 6.8 Risk Assessment  
It is a serious operational and reputational risk not to comply with the proposed legal obligations, however, an action plan and working group have been established to ensure this risk is mitigated.

Mark Trillo  
**Executive Director (Governance & Commissioning)**

**Web Links and  
Background Papers**

<https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper/the-charter-for-social-housing-residents-social-housing-white-paper>

[TSM consultation document  
\(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

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**7. Detail**

- 7.1 Following the tragic events at Grenfell Tower, the then Housing Secretary put forward a plan for a White Paper to drive a 'top-to-bottom review of the issues facing the {social housing} sector'. The White Paper puts forward proposals that will change how social landlords operate, and proposes the introduction of regulation for stock holding Local Authorities such as HPBC.
- 7.2 The White Paper establishes a new Charter for social housing residents, setting out what every social housing resident should be able to expect as follows:
1. **To be safe in your home.** We will work with industry and landlords to ensure every home is safe and secure.
  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**, 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.
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**, so it is a ladder to other opportunities, should your circumstances allow.

7.3 Behind each aspect of the Charter sit a range of additional responsibilities as outlined below

#### 7.3.1 Chapter 1 - To be safe in your home

- Legislate to strengthen the Regulator of Social Housing's consumer regulation objectives to explicitly include safety.
- Legislate to require social landlords to identify a nominated person responsible for complying with their health and safety requirements.
- Expect the Regulator of Social Housing to prepare a Memorandum of Understanding with the Health and Safety Executive to ensure effective sharing of information with the Building Safety Regulator.
- Launch a consultation on requiring smoke alarms in social housing and introducing new expectations for carbon monoxide alarms.
- Consult on measures to ensure that social housing residents are protected from harm caused by poor electrical safety.
- Continue to work with the Social Sector (Building Safety) Engagement Best Practice Group and the Building Safety Regulator to ensure resident voices are heard.

#### 7.3.2 Chapter 2 - To know how your landlord is performing

- Create a set of tenant satisfaction measures for landlords on things that matter to tenants.
- Introduce a new access to information scheme for social housing tenants of housing associations and other private registered providers of social housing, so that information relating to landlords is easily available.
- Ensure landlords provide a clear breakdown of how their income is being spent.
- Require landlords to identify a senior person in their organisation who is responsible for ensuring they comply with the consumer standards set by the Regulator of Social Housing.

#### 7.3.3 Chapter 3 - To have your complaints dealt with promptly and fairly

- Provide residents with consistency across landlord complaint handling by ensuring landlords self-assess against the Housing Ombudsman's Complaint Handling Code by 31 December 2020.
- Ensure tenants know how to raise complaints and have confidence in the system by launching a communications campaign. We will expect landlords, the Housing Ombudsman and the Building Safety Regulator to ensure residents have clear and up to date information on how to complain.

- Legislate to ensure clear co-operation between the Housing Ombudsman and the Regulator of Social Housing to hold landlords to account more effectively when things go wrong.
- Make landlords more accountable for their actions by publicising the details of cases determined and published by the Housing Ombudsman.

#### **7.3.4 Chapter 4 - To be treated fairly and with respect, backed by a strong consumer regulator for tenants**

- Transform the consumer regulation role of the Regulator of Social Housing (“the regulator”) so it proactively monitors and drives landlords’ compliance with improved consumer standards.
- Remove the ‘serious detriment test’ and introduce routine inspections for the largest landlords (those with over 1,000 homes) every four years.
- Change the regulator’s objectives to explicitly cover safety and transparency, and work with it to review its consumer standards to ensure they are up to date and deliver its revised objectives.
- Give the regulator the power to publish a Code of Practice on the consumer standards to be clear what landlords are required to deliver.
- Strengthen the regulator’s enforcement powers to tackle failing landlords and to respond to new challenges facing the sector.
- Hold local authorities to account as landlords, including how they manage Arms Length Management Organisations and Tenant Management Organisations, to make sure they deliver a good service to tenants.
- Require the regulator to set up an Advisory Committee to provide independent and unbiased advice on discharging its functions.

#### **7.3.5 Chapter 5 - To have your voice heard by your landlord**

- Expect the regulator to require landlords to seek out best practice and consider how they can continually improve the way they engage with social housing tenants.
- Deliver a new opportunities and empowerment programme for social housing residents, to support more effective engagement between landlords and residents, and to give residents tools to influence their landlords and hold them to account.
- Review professional training and development to ensure residents receive a high standard of customer service.

#### **7.3.6 Chapter 6 - To have a good quality home and neighbourhood to live in**

- Review the Decent Homes Standard, including access to and the quality of green spaces.
- Tackle anti-social behaviour by enabling tenants to know who is responsible for action and who can support and assist them if they are faced with anti- social behaviour.
- Consider the results of the allocations evidence collection exercise findings to ensure that housing is allocated in the fairest way possible and achieves the best outcomes for local places and communities.

#### **7.3.7 Chapter 7 - To be supported to take your first step to ownership**

- Investing £11.5 billion to build up to 180,000 affordable homes – the highest single funding commitment to affordable housing in a decade. Around half of these new homes will be for affordable home ownership.
- Implementing a new, fairer and more accessible model for Shared Ownership.
- Implementing a new Right to Shared Ownership for tenants of housing associations and other private registered providers who live in new grant funded homes for rent.
- Emphasising through our new National Design Guide the importance of building beautiful and well-designed social homes.
- Introducing a new Affordable Homes Guarantee Scheme.
- Encouraging local authorities to take advantage of our removal of the borrowing cap to build more council homes.

7.4 The measures in this White Paper will apply to all social housing landlords and residents in England. Separate arrangements apply in the devolved administrations of Scotland, Wales and Northern Ireland. Subject to consultation (see section 8) it is likely that these changes will come into effect from April 2023.

7.5 Clearly, as a responsible Housing Provider, the Council is committed to ensuring that it meets these obligations once introduced. It is likely that Local Authorities, who haven't been regulated in the same way as other housing providers previously, will come under scrutiny relatively soon after the Charter is implemented. Failure to meet the requirements can attract an "unlimited" financial penalty although the detail around how these penalties will apply in practice has not been made available. It is, therefore, both ethically and financially vital that these obligations are met by the Council in its role as social Landlord.

7.6 In order to ensure compliance by the proposed April 2023 implementation date, a working group of senior Officers has been established and leads assigned to each of the seven chapters of the charter. An initial gap analysis has taken place to ensure that the areas that require additional resource and time commitment to ensure compliance are prioritised.

7.7 The current assessment for compliance is very briefly summarised as below:-

Chapter 1	Broadly compliant
Chapter 2	Requires additional consideration and some resource implications
Chapter 3	Current arrangements meet expectation of the Paper
Chapter 4	Requires additional consideration and some resource implications
Chapter 5	This area has been identified as the weakest under current arrangements. This has been mitigated by the appointment of TPAS to work with the Council to develop our Tenant Engagement arrangements
Chapter 6	Requires additional consideration and some resource implications
Chapter 7	Broadly compliant

7.8 A more detailed action plan across five pillars - Charter Requirement; Detail of our current assessment of compliance (with evidence); Further work required

to ensure compliance; and Officer responsible/Timescale for delivery - is being developed and will form the basis of discussion for the Officer working group which is next due to meet in March 2022

## 8.0 Tenant Satisfaction Measures

8.1 Additionally, the Regulator of Social Housing is seeking views on its proposals for tenant satisfaction measures which are part of implementing changes to consumer regulation set out in the Government's White Paper. The 22 proposed satisfaction measures are summarised as below:-

Satisfaction Measure	How measured
RP01: Homes that do not meet the Decent Homes Standard	Measured by landlords directly
RP02: Repairs completed within target timescale	Measured by landlords directly
TP01: Overall Satisfaction	
TP02: Satisfaction with repairs	Measured by doing tenant perception surveys
TP03: Satisfaction with time taken to complete most recent repair	Measured by doing tenant perception surveys
BS01: Gas safety checks	Measured by landlords directly
BS02: Fire safety checks	Measured by landlords directly
BS03: Asbestos safety checks	Measured by landlords directly
BS04: Water safety checks	Measured by landlords directly
BS05: Lift safety checks	Measured by landlords directly
Electrical safety checks	Measured by landlords directly
TP04: Satisfaction that the home is well maintained and safe to live in	Measured by doing tenant perception surveys
TP05: Satisfaction that the landlord listens to tenant views and acts upon them	Measured by doing tenant perception surveys
TP06: Satisfaction that the landlord keeps tenants informed about things that matter to them	Measured by doing tenant perception surveys
TP07: Agreement that the landlord treats tenants fairly and with respect	Measured by doing tenant perception surveys
NM01: Anti-social behaviour cases relative to the size of the landlord	Measured by landlords directly
Percentage of communal areas meeting the required standard	Measured by landlords directly
TP08: Satisfaction that the landlord keeps communal areas clean, safe and well maintained	Measured by doing tenant perception surveys
TP09: Satisfaction that the landlord makes a positive contribution to neighbourhoods	Measured by doing tenant perception surveys
TP10: Satisfaction with the landlord's approach to handling of anti-social	Measured by doing tenant perception surveys

behaviour	
CH01: Complaints relative to the size of the landlord	Measured by landlords directly
CH02: Complaints responded to within Complaint Handling Code timescales	Measured by landlords directly

- 8.2 There is nothing within the proposed TSM's as set out above which are likely to cause undue alarm to a responsible Landlord nor any that do not appear sensible and appropriate.
- 8.3 A proposed draft response from the Council to the consultation exercise is outlined at Appendix A of this report, with response comments highlighted in yellow.
- 8.4 In order to establish a base line for the measures relating to tenant perception it is proposed that the Council conduct an initial satisfaction survey with tenants in March 2022.