

## For publication

### The charter for social housing residents: social housing white paper Briefing paper for Scrutiny

<b>Meeting:</b>	Enterprise and Wellbeing Committee
<b>Date:</b>	15 <sup>th</sup> July 2021
<b>Cabinet portfolio:</b>	Housing
<b>Directorate:</b>	Housing

#### 1.0 Reason for inclusion on the work programme

- 1.1 To establish the scope of the social housing white paper and assess the potential impact for Chesterfield. To enable the committee to identify areas for review where scrutiny could add value prior to decisions being made.

#### 2.0 Summary

- 2.1 This paper sets out the major changes in the social housing white paper and the expected requirements that this will place on Chesterfield Borough Council as a landlord.
- 2.2 The report sets out the requirements under the seven headings of the white paper with additional focus on compliance and a proposal for a revised decent homes standard.

#### 3.0 Report details

- 3.1 The 'Charter for social housing residents: [social](#) housing white paper' formalises the Government's response to the Grenfell Tower tragedy. It includes measures to empower tenants and boost the supply and quality of social housing with greater redress and more meaningful regulation of the sector.
- 3.2 The white paper is set out around seven headline promises:
- i. To be safe in your home
  - ii. To know how your landlord is performing
  - iii. To have your complaints dealt with promptly and fairly

- iv. To be treated with respect
- v. To have your voice heard by your landlord
- vi. To have a good quality home and neighbourhood to live in
- vii. To be supported to take your first step to ownership

3.3 The major reforms under each headline promise are set out below.

### **Chapter 1: To be safe in your home**

3.4 The white paper provides a summary of the wider regulatory changes that have been already proposed and are being introduced by the Government, including:

- i. The Building Safety Bill\*;
- ii. The Fire Safety Bill; and
- iii. A consultation on extending the requirements for smoke and carbon monoxide alarms.

\*The Building Safety bill was published on the 5<sup>th</sup> July 2021

3.5 Indication that the Government will consult on further measures to ensure electrical safety standards are met - likely extension of mandatory the five-year safety checks that have already been imposed on the private rented sector.

3.6 The white paper also introduces further roles to which social housing providers must appoint a 'suitably competent and experienced person'.

- i. A nominated person responsible for compliance with health and safety requirements; and
- ii. A person responsible for ensuring compliance with the regulator's Consumer Standards (which will also include safety).

3.7 This section of the white paper is more developed than the others as it references pieces of legislation that are going through parliament. The importance of compliance is increasing, and the Housing Service has responded to the increased emphasis on this agenda and is working on new compliance policies.

3.8 The Housing Service is currently developing new policies and procedures to meet the requirements of the white paper and ensure that the Council has a fully transparent and effective management of compliance issue. Once completed the policies will be reported to Cabinet for adoption. The policies will cover:

- i. Asbestos
- ii. Fire safety
- iii. Legionella

- iv. Gas servicing
  - v. Electric testing
  - vi. Lifts
- 3.9 Following a review on the arrangements for electrical compliance testing it was identified that testing programmes needed to be aligned with the expectations of the private landlord sector. This programme has now been determined and testing has commenced to meet the needs of the new requirements. In order to ensure that all our properties have a valid five-year electrical safety certificate a programme started during 2020.21 and despite the impacts of the covid pandemic has in twelve months has now reached 50% of the stock. It is anticipated that all the stock will have a valid electrical safety certificate by 2022.
- 3.10 Housing Services routinely checks smoke and CO detectors as part of the annual gas safety checks. The service is preparing to instigate a programme to check what properties have CO detectors and where one needs to be installed. Once this information is compiled a capital programme to install CO detectors in the remaining properties where they are none present will commence.
- 3.11 As a landlord we will be audited on compliance with the new safety regime proposed by the White paper and legislation. Whilst precise details of the evidence required are not yet known in preparation for the proposed audits internal audit checks are being designed and undertaken to encompass all the likely evidence required by the new audit regime. The Council is also about to invest in a new asset management system to assist in the preparation and provision of accurate data for auditing.

## **Chapter 2: To know how your landlord is performing**

- 3.12 The white paper is placing a lot of emphasis on increasing transparency and accountability of social landlords. The intention is for residents to have easy access to a range of information (including on how money is spent) about their landlord.
- 3.13 The white paper tasks the Regulator of Social Housing to develop measures for collecting and publishing core 'tenant satisfaction measures' to enable tenants to review landlords' performance. These themes are
- i. around properties being in good repair
  - ii. building safety
  - iii. engagement
  - iv. neighbourhood management including measures on anti-social behaviour,

- v. having access to key financial information including detail of management costs and executive remuneration.
- 3.14 The work to develop the new suite of indicators is to be done through Autumn / Winter 2021/22. Whilst not confirmed it would be a reasonable assumption that the new suite of performance indicators will be confirmed during 2022/23 and then formally implemented from April 2023.
- 3.15 The white paper also requires landlords to appoint a senior person within the organisation who is identifiable to tenants, the regulator and the Housing Ombudsman who is responsible for ensuring compliance with the consumer standards. The precise details of this role again are not formally defined but would be a reasonable expectation that the role would be the responsibility of the Service Director – Housing.

### **Chapter 3: To have your complaints dealt with promptly and fairly**

- 3.16 Much of this section concerns the roles of the Housing Ombudsman working with the Housing Regulator and the development of a complaint handling code for social landlords.
- 3.17 The white paper will give the Housing Ombudsman greater and stronger powers and essentially have more teeth to hold landlords to account more effectively when things go wrong.
- 3.18 Will introduce a new formal requirement to publish our complaints procedures on our websites and in correspondence to residents.
- 3.19 For CBC the aim is to have easier access to making a complaint, with the democratic filter part of the complaint process removed and making tenants more aware of the right to complain and how to do so. These are all being addressed as part of the Council's complaints project group that is developing a new complaints policy and system. The revised council's complaints policy takes into account the social housing white paper requirement in order to make CBC housing complaint with the new requirements.
- 3.20 Another theme within the complaints section is 'learning from mistakes' and being able to demonstrate this. The complaints project group is also developing new IT that will facilitate better recording and reporting on complaints ensuring that this can be achieved.

### **Chapter 4: To be treated with respect**

- 3.21 The white paper outlines the Government's plans for strengthening the Regulator of Social Housing's approach to consumer regulation. This chapter in the white paper focuses on changes that the regulator will have to implement.
- 3.22 The Housing Service will be under a new inspection regime with requirement to formally report performance. The consumer standards will be revised to include obligations to ensure resident safety
- 3.23 Regulator's enforcement powers will be enhanced; for example, the cap on the level of fines the Regulator can impose will be removed and the Regulator will be empowered to require Performance Improvement Plans from providers who fail to comply with the consumer standards.
- 3.24 Still need to hear about what the inspection regime framework will be, how detailed the consumer standards will be to allow for them to be meaningful and enforceable and how it will all work – more detail will be provided by the Government and Regulator in due course.

### **Chapter 5: To have your voice heard by your landlord**

- 3.25 The white paper acknowledges the concerns by residents feeling patronised, ignored or treated with disrespect by their landlords and tasks the Regulator with seeking out best practice examples of resident engagement to be implemented.
- 3.26 There are also recommendations for a review of professional training and development within the sector. A move towards formal qualifications in housing.
- 3.27 As with resident engagement the regulator is also tasked with identifying and implementing best practise for mental health support
- 3.28 The changes to implement here again are not yet precisely set out and will be developed over the next couple of years as the revised Regulator and its remit are established. It is reasonable to assume it will require CBC to review tenant representation, how we support our vulnerable residents, ensuring appropriate training and that the organisational culture ensures that tenants are central to service development.

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

- 3.29 Expanding on some of the content set out in chapter 1 with higher expectations and standards around compliance a review of the [decent homes standard](#) is proposed. The current definition of [decent homes](#) has

been in place since 2006. In addition to the compliance elements the potential areas for review and inclusion are likely to be:

- i. better support for decarbonisation
- ii. energy efficiency of social homes
- iii. improved communal and green spaces
- iv. designing out crime

- 3.30 The work on defining a new decent homes standard will commence in the autumn and continue until the summer of 2022.
- 3.31 Since the Council 100% achieved the decent homes standard a significant proportion of the capital programme has been moved into the areas covered by the review. This has included significant and ongoing work in improving the energy efficiency of the stock and upgrading communal areas and estates (Grangewood, Barrow Hill, Pullman Close).
- 3.32 All major capital projects are now viewed from a holistic perspective and include external environmental improvements alongside the communal areas and building improvements to the properties. The Housing Service is actively working with the Crime Prevention Team to identify methods to support and design out crime.
- 3.33 The Housing Service also works with energy providers and other local authorities to explore the options for partnership working to collaboratively undertake decarbonisation and exploring alternative energy sources for 2025.
- 3.34 All new housing projects are being designed and built to standards that exceed the minimum standards as set out in Part L conservation of fuel and power of the current building regulations through installation of energy efficient boilers and increased levels of insulation in the floors, walls and ceilings. During construction all materials are locally sourced from sustainable materials. For future use, sustainable features such as cycle stores are introduced, electric car charging points and rainwater recycling through collection points in the garden. Water usage is calculated and features such as perforated taps and low flow baths introduced to reduce consumption.
- 3.35 The Housing Service is beginning work on setting both a design and eco-standard for its new build properties. The intention is to develop a standard that exceeds the requirements set out in planning policy and higher than that achieved on the other new build sites completed so far.
- 3.36 The investment proposed in the housing capital programme will make a significant contribution to ensure the Council's housing stock is improved to increase its SAP ratings and ensure all homes are efficient and provide affordable warmth for our tenants. In delivering programmes of work for

example the block refurbishment programmes specific consideration will be given to energy efficiency and the components used in window replacements, heating replacement systems will be regularly reviewed to ensure improved SAP ratings and make positive reductions on tenants utility bills.

3.37 A number of changes to housing management are also being proposed:

- i. Requirement for a policy on domestic abuse
- ii. Clarity on ASB tackling locally – responsibilities of Police/ landlord and local authority
- iii. Potential for revised guidance on allocations
- iv. Rules for allowing pets

3.38 The work and requirements for these has not yet been set out in any detail but it is expected that the Government will work with social landlord bodies and the regulator to set out reviews and policy guidance in each of these areas. All the above will likely be tied with the new proposed satisfaction and regulatory framework proposed in Chapter 2 and 3.

## **Chapter 7: To be supported to take your first steps into ownership**

3.39 The last section of the white paper focuses on home ownership. The nature of the products discussed means that this section currently has little relevance to Chesterfield Borough Council as it is focused on grant funded new build and increasing shared ownership opportunities with Housing Associations.

3.40 The white paper outlines some previously announced Government proposals as well as stressing the importance of good design. This includes:

- i. Changes to the shared ownership scheme to allow a smaller initial purchase and 1% staircasing increments.
- ii. Right to shared ownership for new grant funded homes;
- iii. Whilst evaluation of the pilot voluntary Right to Buy is referenced there are no promises about extending the VRTB for now; and
- iv. Leasehold reform – including limitation on ground rents, extension of rights of variable service charge payers to freehold owners paying charges, and easier, wider, and cheaper access to lease extensions and enfranchisement and the right to manage

## **4.0 Next steps**

- 4.1 The Housing Service has started to plan how it responds to the white paper and implement the changes that are required. Significant progress has been made in the areas of compliance and standards as set out above.
- 4.2 In addition, the white paper is a key factor in formulating the Housing Service reshaping project to ensure the housing management services is ready to take on and deliver the requirements set out above. The social housing white paper provides both a challenge and change in emphasis and service delivery with the requirement for a much more proactive, preventative and customer focused service which will require investment in front line service deliver.
- 4.3 As both the reshape and the requirements of the white paper become clearer the cost implications of these will need to be factored in the Housing Revenue Account Business Plan.

## **5.0 Potential barriers**

- 5.1 As described above much of the social housing white paper is not yet 'firmed up'. The proposals for the regulation and standards, new decency definition is in development. Whilst can be reasonably confident in some areas of the obligations to be placed on Chesterfield Borough as a social landlord in others such as regulation – other than that there will be more – what form it will take and resource requirement to meet it is not yet known.
- 5.2 All the social housing services provided are funded through the Housing Revenue Account. Any additional expenditure required to fund a higher decent homes standard, higher new build standards and additional staffing costs to deliver compliant services will come at a cost that much be met within the HRA Business Plan. This could mean changes in objectives within capital programmes over the next five years.

## **6.0 Future plans and areas for further scrutiny involvement**

- 6.1 The lack of detail in many areas of the white paper means it could be tricky to define on how Scrutiny could analyse and scrutinise progress on how the housing service is meeting the seven headline objectives. Once the Government has published the revised standards for decency, the new regulatory regime etc it maybe that Scrutiny Committee wishes to have more detailed involvement at that point.

- 6.2 There are pieces of work that have been instigated in response to the white paper areas where further Scrutiny Committee may wish to have additional involvement:
- i. The new build standards that Housing Services seeks to achieve on its development sites.
  - ii. The implementation of new rules around compliance and safety of social housing tenants
  - iii. Improving the energy efficiency of the current CBC housing stock

### **Document information**

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<b>Background documents</b>
These are unpublished works which have been relied on to a material extent when the report was prepared.