



LONDON BOROUGH OF
HARROW

**Report for: Overview & Scrutiny
Committee**

Date of Meeting: 11 June 2024

Subject: **INFORMATION REPORT**
Changes to the regulation of social housing, new Tenant Satisfaction Measures, and Housing Complaints performance

Responsible Officer: Dipti Patel Corporate Director Place
David McNulty, Director of Housing

Exempt: No

Wards affected: All Wards

Enclosures: Appendix 1- Tenant Satisfaction Measures 2023/2024
Appendix 2- Housing Complaints Report 2023/2024

Section 1 – Summary and Recommendations

This report sets out changes to the regulation of registered providers of social housing by the Regulator of Social Housing and the Housing Ombudsman, the London Borough of Harrow's Tenant Satisfaction Measures for 2023/2024 and the London Borough of Harrow's Housing Complaints performance for 2023/2024.

Recommendations:

The Committee is requested to:

- Note the content of the report.
- Provide comments to Cabinet to consider for its response as the Governing Body, in relation to the Housing Complaints Report 2023/2024 (Appendix 2), which will be published on the council's website as part of the new statutory requirement and submitted to the Housing Ombudsman.

Section 2 – Report

1. Background

The Social Housing (Regulation) Act 2023 received Royal Assent in July 2023 and introduced a range of changes to the regulation of social housing which take effect from 1 April 2024.

The context for the changes to the regulation of social housing includes the Grenfell Tower Fire in June 2017, the Social Housing White Paper 'The Charter for Social Housing Residents' published in Nov 2020 which set out what every social housing resident should be able to expect, and the death of toddler Awaab Ishak in Rochdale in December 2020 as a result of a severe respiratory condition caused by prolonged exposure to mould in his home.

2. Current situation

2.1 The Regulator of Social Housing

The Regulator of Social Housing (RSH) is an executive non-departmental public body, sponsored by the Department for Levelling Up, Housing and Communities (DLUHC). It promotes a viable, efficient, and well-governed social housing sector able to deliver more and better social homes. It does this by setting standards and carrying out robust regulation focusing on driving improvement in social landlords, including local authorities, and ensuring that housing associations are well-governed, financially viable and offer value for money. It takes action if the outcomes of the standards are not being delivered.

Under the new legislation, the Regulator of Social Housing must set, monitor, and enforce new regulatory standards. The new regulatory regime is more

proactive than previous requirements and the 'serious detriment' threshold for the Regulator of Social Housing to intervene has been removed. Tenants must be given information on their rights, how to make a complaint, and the regulatory requirements that apply to their social landlord.

The Regulator of Social Housing takes a co-regulatory approach, where registered providers of social housing can develop their own approaches to deliver the outcomes of the standards. Boards and councillors of registered providers should have mechanisms in place to provide them with assurance that their organisation delivers the outcomes of the standards.

2.2 The Housing Ombudsman Service

The Housing Ombudsman Service (HOS) is an executive non-departmental public body, sponsored by the Department for Levelling Up, Housing and Communities. It is separate from the Local Government and Social Care Ombudsman (LGO).

Its vision is to improve residents' lives and landlords' services through housing complaints. All local authorities and registered social housing providers are required to be members of the Housing Ombudsman Scheme.

The Housing Ombudsman Service looks at complaints from tenants and leaseholders about registered providers of social housing to resolve disputes, make awards of compensation (or other remedies when appropriate), and to support effective landlord and tenant dispute resolution.

Under the new legislation, the Housing Ombudsman Service must issue a new Complaint Handling Code and monitor compliance. The new Complaint Handling Code became statutory on 1 April 2024, meaning that member landlords are obliged by law to follow its requirements.

The Complaint Handling Code sets out requirements for member landlords that allows them to respond to complaints effectively and fairly. The purpose of the code is to enable landlords to resolve complaints raised by residents quickly and to use both complaints data and learning from complaints to drive service improvements and a positive complaint handling culture.

The Local Government and Social Care Ombudsman considers complaints about local authorities' wider housing activities, for example in discharging statutory homelessness duties. There are areas where there may be some over-lap between the jurisdiction of the two Ombudsmen.

2.3 Scope of the Social Housing (Regulation) Act 2023

The new regulatory requirements apply to registered providers of social housing only, and do not apply to private rented sector landlords or other types of accommodation providers.

Registered providers of social housing include local authority landlords and private registered providers (i.e. not-for-profit housing associations, co-operatives, and for-profit organisations).

The London Borough of Harrow is a local authority registered provider of social housing. These regulatory requirements apply to its social housing landlord services. They do not apply to the local authority's homelessness or leasehold services.

These new regulatory requirements also apply to all registered providers of social housing with housing stock in Harrow but the responsibility for monitoring and compliance sits with the Regulator of Social Housing and the Housing Ombudsman, not the local authority.

Registered providers of social housing will be charged a regulation fee relative to their stock size by the Regulator of the Social Housing.

There are a range of consequences for poor performance, from performance improvement plans and emergency remedial action to fines and deregulation.

2.4 New Consumer Standards

The Regulator of Social Housing published on 29 February 2024 four new consumer standards which apply to registered providers of social housing from 1 April 2024:

1. The Safety and Quality Standard

This standard covers stock quality, decency, health & safety, repairs, maintenance and planned improvements, and adaptations.

2. The Transparency, Influence and Accountability Standard

This standard covers fairness and respect, diverse needs, engagement with tenants, information about landlord services, performance information, and complaints.

3. The Neighbourhood and Community Standard

This standard covers safety of shared spaces, local cooperation, anti-social behaviour and hate incidents, and domestic abuse.

4. The Tenancy Standard

This standard covers allocations and lettings, tenancy sustainment and evictions, tenure, and mutual exchange.

An additional **Competency and Conduct** standard is due to be introduced in 2025/2026 to deliver the professionalism agenda in social housing and will require specific post holders to hold or be working towards housing management qualifications.

The outcomes of the consumer standards are interdependent and share the common aim of ensuring the provision of effective landlord services and quality, well-maintained and safe homes.

Throughout the consumer standards 'tenants' means tenants and other occupiers of social housing which includes licensees and shared owners

(unless explicitly stated). 'Shared spaces' are those spaces associated with a registered providers' homes and used by their tenants that are not the responsibility of the landlord, as opposed to communal areas where landlords have direct responsibilities for ensuring their safety and maintenance.

2.5 New Code of Practice

The Regulator of Social Housing published on 29 February 2024 a new Code of Practice which applies to registered providers of social housing from 1 April 2024.

The new Code of Practice amplifies some of the requirements in the new Consumer Standards and it elaborates on the content with illustrative examples. The purpose of the Code of Practice is to enable registered of social housing to understand the required outcomes and specific expectations set out in the Consumer Standards.

Registered Providers should have regard to the code when assessing whether they are delivering the outcomes of the standards but must deliver the outcomes of the standards rather than the code.

2.6 New Inspections

The new regulatory approach re-introduces housing inspections, which were last conducted in 2010. The outcome of the inspections will be a regulatory judgment with rating of C1 to C4.

For local authority landlords the focus will be on service outcomes and on transparency, influence, and accountability.

It is expected that registered providers of social housing will be given 6 weeks' notice of an inspection and will be inspected at least every 4 years. Registered providers under inspection will have two weeks to submit documents for desktop review, with the expectation that a significant proportion of the information will be already publicly available.

The inspectors will observe meetings and conduct on-site interviews relating to governance, including with senior executives and councillors. They will also observe landlord forums which enable tenant-led influence and scrutiny and will seek direct tenant insight through meetings with tenants engaged in those forums. The inspectors will also conduct meetings, interviews, and focus groups with tenants and estate tours.

2.7 Tenant Satisfaction Measures

The Tenant Satisfaction Measures (TSMs) are a core set of performance measures against which all registered providers must publish their performance. Registered providers must collect and provide information to support effective scrutiny by tenants of their landlord's performance.

The key aims of the Tenant Satisfaction Measures are to provide tenants with greater transparency about their landlord's performance and to inform the

regulator about how a landlord is complying with the consumer standards. Tenant Satisfaction Measures must be calculated and reported consistently.

There are 22 Tenant Satisfaction Measures (TSMs). 12 are collected from the tenant perception survey and 10 are generated from management information.

The Tenant Satisfaction Measures for 2023/2024 must be submitted to the Regulatory of Social Housing online by 30 June 2024.

The 12 tenant perception Tenant Satisfaction Measures (TSMs) for 2023/2024 formed part of the tenant satisfaction survey conducted in January 2024 by Acuity on behalf of the London Borough of Harrow in line with the technical requirements set by the Regulator of Social Housing.

The London Borough of Harrow's Tenant Satisfaction Measures for 2023/2024 are appended to this report in Appendix 1.

2.8 Housing Complaint Handling Code

The new Complaint Handling Code became statutory on 1 April 2024.

The Housing Ombudsman Service is seeking evidence of strong local complaints handling policies, procedures, and practices, as well as a positive complaint handling culture.

Key features of the new Complaint Handling Code include a universal definition of a complaint, a requirement for easy access for residents to the complaint procedure, a 2-stage structure for complaint procedures with clear times set out for responses, and specific requirements for the annual submission made by member landlords.

A new Code Compliance Framework has also been published and sets out how the Housing Ombudsman Service will assess whether a landlord has effectively scrutinised itself, whether its complaints policy complies with the Code, and whether it complies with the Code in practice. Where a landlord does not meet the requirements in any of the areas and does not move into compliance within a reasonable timescale, the Ombudsman may issue a Complaint Handling Failure Order (CHFO).

The annual submission from each landlord must include links to the landlord's Complaints Policy, its annual self-assessment against the Complaint Handling Code and its annual report on complaints performance and service improvement. These documents are expected to be published on the landlord's website.

The annual report must be presented to the landlord's governing body and shared with residents. The governing body's response must also be published and the link to the response must be included in the landlord's annual submission. The London Borough of Harrow's annual complaints report will be presented to the Residents Board, Overview and Scrutiny Committee and Cabinet.

The Annual Submission for 2023/2024 must be submitted to the Housing Ombudsman Service online by 30 June 2024.

The London Borough of Harrow's Annual Complaints Report for 2023/2024 are appended to this report in Appendix 2.

3. Why a change is needed

The Social Housing (Regulation) Act 2023 introduced a range of changes to the regulation of social housing which take effect from 1 April 2024. The new requirements are statutory.

Housing Improvement Programme

The London Borough of Harrow has been preparing for and implementing the changes to the regulation of social housing through its Housing Improvement Programme. The Housing Improvement Board meets fortnightly and oversees the delivery of the Housing Improvement Action Plan.

There are 6 working groups which sit under the Housing Improvement Board, each chaired by an operational lead. The working groups are themed in line with the consumer standards. There are clear data leads and performance leads for each Tenant Satisfaction Measures.

The Housing Improvement Board briefs a range of stakeholders including members, officers and residents, and reports on progress regularly to the Corporate Improvement Plan Board, Place Strategic Board, and the Portfolio Holder for Housing.

The Housing Improvement Board has been preparing for the housing qualifications requirement by working closely with the council's Apprenticeship Manager.

The Housing Improvement Board has been learning from colleagues in Adult Social Care and in Children's Services about their approaches to Ofsted and CQC inspections.

Tenant satisfaction surveys were conducted in March 2023 (voluntary, to establish a baseline) and January 2024 to collect the 12 tenant perception Tenant Satisfaction Measures (TSMs).

The 10 management information Tenant Satisfaction Measures (TSMs) are reported to Residents Board and through the monthly Housing Scorecard, quarterly Place Performance Board, and quarterly Corporate Performance Report to Corporate Leadership Team and Cabinet.

A number of key housing service improvements are underway. The Housing division has recently implemented a new web-based housing management platform called Civica Cx. The Housing Online Account for tenants is being rolled out, allowing tenants to access personalised information and carry out a number of transactions. The new repairs contract is being mobilised and will start on 1 July 2024. A housing week of action is planned in June 2024 to engage with tenants and to increase visibility.

4. Main options

The requirement to submit the Tenant Satisfaction Measures for 2023/2024 to the Regulator of Social Housing is a statutory requirement.

The requirement to submit the annual housing complaints performance report, containing the self-assessment against the Complaint Handling Code, as part of the annual submission to the Housing Ombudsman is a statutory requirement.

5. Other options considered

Other options have not been considered because the new requirements are statutory.

6. Legal Implications

As a local authority registered provider of social housing, the London Borough of Harrow has a statutory duty to meet the requirements of the Social Housing (Regulation) Act 2023 (the “**Act**”).

The Act strengthens the powers of the Housing Ombudsman (the “**Ombudsman**”) and amends the Housing Act 1996 with respect to the power to issue a code of practice for dealing with complaints. Amongst other things, the Act amends Schedule 2 of the Housing Act 1996 by inserting new sections 11A, 11B and 11C in to the same, that provided the Ombudsman with a power to issue a code of practice about the procedures members of the scheme should have in place for monitoring complaints against them, and imposed a duty on the Ombudsman to monitor compliance with any such code of practice.

Pursuant to this the Ombudsman published a Complaint Handling Code that came into effect on 1 April 2024, (revised on 17 April 2024) (the “**Complaint Code**”). The Ombudsman has also produced a Code Compliance Framework (the “**Compliance Code**”). The Council is landlord subject to the Act and these Codes.

The Complaint Code imposes various obligations on landlords, including a requirement to have a person or team assigned to take responsibility for complaint handling, including liaising with the Ombudsman, and ensure complaints are reported to the governing body, which for these purposes is the Cabinet.

The annual complaints performance and service improvement report must be reported to the landlord’s governing body.

The Compliance Code also requires the Council, as a landlord, to produce a response from the governing body, to the annual complaints performance and service improvement report, and to publish the report and the response on the Council’s website.

7. Financial Implications

The new regulation fee has been confirmed by the Regulator of Social Housing. The new fees regime is scheduled to come into effect from 1 July 2024. The Regulator of Social Housing will invoice registered providers for their 2024-25 fees in June 2024. In accordance with the revised fees principles, fees for the period from 1 July 2024 to 31 March 2025 have been set at £4.97 per unit for large local authority registered providers. The unit rates being charged have been calculated as pro-rata proportions of annualised per unit fees of £6.63 for large local authority registered providers.

Membership of the Housing Ombudsman Scheme is compulsory for social landlords. There is an existing annual membership fee, which for 2024-25 is set at £8.03 per unit. The annual membership fee for each registered provider of social housing is calculated based on the number of rented, shared ownership, and leasehold properties that they own and manage.

The anticipated fees due for 24/25 are around £38,000 to the Housing Ombudsman and £24,000 to the Regulator of Social Housing, both to be funded from the Housing Revenue Account budget as they relate to landlord services.

The outcome of the recent Government consultation on the proposed new, regulatory standard relating to the competence and conduct of social housing staff is awaited. The intention locally is to meet any training requirements through the use of the Apprenticeship Levy, but this will be confirmed once the final details are known.

8. Risk Management Implications

As a local authority registered provider of social housing, the London Borough of Harrow has a statutory duty to meet the requirements of the Social Housing (Regulation) Act 2023. The Housing Improvement Board is in place to manage the response to the changes to regulation and ensure compliance with statutory requirements.

Risks included on corporate or directorate risk register? **Yes**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below.
N/A

The following key risks should be taken into account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
Housing do not deliver on health and safety statutory duties and regulatory requirements	<ul style="list-style-type: none"> ▪ H&S Compliance part of the Corporate Improvement Plan (CIP) ▪ Monitoring visit with the Regulator 	RED

	<ul style="list-style-type: none"> ▪ Performance score card reflects six areas of H&S compliance & this is reported to DMT, PH and CLT ▪ Monthly Homelessness rpts.to CLT ▪ Recruitment of additional staff • Strong progress made on water risk assessments compliance (100% compliance across 448 blocks • Additional strategic work (e.g. stock condition, business plan) taken place to aid in prioritisation and decision-making • On-going electrical safety checks and certificates are being completed 	
Housing contractor failure (e.g. Repairs and other contractors) and an inability to provide a service to us	<ul style="list-style-type: none"> ▪ Repairs contract designed to spread risk and avoid reliance on one contractor ▪ Regular monitoring and performance meetings with contractors including monitoring financial health of contractors ▪ Procurement Board in place Contract specifications are designed to flexible and matched to available resources ▪ Social value from contracts enables local skills and employment to be developed ▪ Repairs contingency in place and reserves in place in both GF and HRA. 	AMBER
Lack of compliance with the new consumer standards (Regulator of Social Housing)	<ul style="list-style-type: none"> • Housing Improvement Programme in place, governance arrangements in place 	AMBER
Lack of compliance with the new Complaint Handling Code (Housing Ombudsman)	<ul style="list-style-type: none"> ▪ Complaints Workshop held, Housing Improvement Programme in place, governance arrangements in place 	AMBER
Housing staff not understanding requirements	<ul style="list-style-type: none"> ▪ Housing staff regularly briefed in a range of forums including team meetings, Housing Feedback sessions, Bite Size Learning sessions, Housing Staff Conference, Housing Staff newsletter 	GREEN
Stakeholders not understanding the requirements	<ul style="list-style-type: none"> ▪ Stakeholders briefed in a range of forums including Portfolio Holder meetings, Place Strategic Board, Corporate Leadership Team, Cabinet, Residents Board, 	GREEN

	Housing Matters online meeting for residents, Homing In magazine.	
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9. Equalities implications / Public Sector Equality Duty

Was an Equality Impact Assessment carried out? No

As a local authority registered provider of social housing, the London Borough of Harrow has a statutory duty to meet the requirements of the Social Housing (Regulation) Act 2023. The new standards and requirements aim to improve housing services for all council tenants (and leaseholders, in the case of the Housing Ombudsman). Work is ongoing to gain insight into differences in levels of satisfaction, including by protected characteristics.

The Housing Ombudsman has carried out an Equality Impact Assessment in respect of the new Complaint Handling Code and their duty to monitor compliance: [Complaint-Handling-Code-2024-Equality-Impact-Assessment.pdf \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk/Complaint-Handling-Code-2024-Equality-Impact-Assessment.pdf)

The Regulator of Social Housing has developed an Equality Impact Assessment in respect of the new Consumer Standards: [Annex 4 - Draft equality impact assessment \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/annex-4-draft-equality-impact-assessment-accessible-version)

10. Council Priorities

Compliance with statutory and regulatory standards and the continuous improvement of housing services contribute to delivering the following council priorities:

1. **A council that puts residents first**
2. **A borough that is clean and safe**
3. **A place where those in need are supported**

Section 3 - Statutory Officer Clearance

Statutory Officer: Comie Campbell
Signed on behalf of the Chief Financial Officer
Date: 29 May 2024

Statutory Officer: Baljeet Virdee
Signed on behalf of the Monitoring Officer
Date: 23 May 2024

Chief Officer: Dipti Patel
Signed by the Corporate Director Place
Date: 31st May 2024

Mandatory Checks

Ward Councillors notified: NO, as it impacts on all Wards

Section 4 - Contact Details and Background Papers

Contact:

Meghan Zinkewich-Peotti
Housing Strategy Project Manager
meghan.zinkewich-peotti@harrow.gov.uk
07395840490

Background Papers: List **only non-exempt** documents (ie not Private and Confidential/Part II documents) relied on to a material extent in preparing the report (eg previous reports). Where possible also include a web link to the documents.

If appropriate, does the report include the following considerations?

- | | |
|-----------------|----------|
| 1. Consultation | YES / NO |
| 2. Priorities | YES / NO |