

Date: 26 April 2013
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To: Members of the Housing Review Board
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Meeting of the Housing Review Board

Thursday, 9 May 2013 at 6.00 pm

Council Chamber, Knowle, Sidmouth

The above meeting will be held in the Council Chamber at East Devon District Council Offices, Knowle, Sidmouth, to consider the matters detailed on the agenda below.

Members of the public are welcome to attend this meeting.

- There is a period of 15 minutes at the beginning of the meeting to allow members of the public to ask questions.
- In addition, the public may speak on items listed on the agenda. After a report has been introduced, the Chairman (Leader of the Council) will ask if any member of the public wishes to speak and/or ask questions.
- All individual contributions will be limited to a period of 3 minutes – where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.
- The Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.

Should anyone have any special needs or require any reasonable adjustments to assist them in making individual contributions, please contact Alethea Thompson (contact details at top of page).

Councillors and members of the public are reminded to switch off mobile phones during the meeting. If this is not practical due to particular circumstances, please advise the Chairman before the meeting.

AGENDA

PART A - Matters for Decision

Page/s

- 1 **Public question time** – standard agenda item (15 minutes)
Members of the public are invited to put questions to the Board through the Chairman.

PART A – Matters for Decision

Page/s

Councillors also have the opportunity to ask questions of the Chairman and/or Portfolio Holders present during this time slot. Members of the public are given priority at this part of the agenda.

2	To confirm the minutes of the meeting of the Housing Review Board held on 7 March 2013.		4 - 11
3	To receive any apologies for absence.		
4	To receive any declarations of interests relating to items on the agenda.		
5	To consider any items which, the Chairman thinks, should be dealt with as matters of urgency because of special circumstances. (Note: such circumstances need to be recorded in the minutes; any individual wishing to raise a matter under this item is requested to notify the Chairman before the meeting).		
6	To agree any items to be dealt with after the public (including the press) have been excluded. There are no items which Officers recommend should be dealt with in this way.		
7	Housing Review Board forward plan.	Head of Housing	12
8	Annual report of the work of the Housing Review Board.	Democratic Services Officer	13 - 17
9	Housing Service Complaints April 2012-March 2013.	Housing Projects Officer	18 – 28
10	‘Designated person’ and new complaints arrangements.	Housing Projects Officer	29 - 46
11	Community Harm Statement.	Head of Housing	47 - 62
12	Targeted Families Initiative – progress report.	Head of Housing	63 - 69
13	Carbon monoxide alarms.	Housing Needs and Strategy Manager	70 - 74
14	Welfare Reform update.	Head of Housing	75 – 80
15	Quarterly performance indicator report	Head of Housing	81 - 97

Decision making and equality duties

- The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions.
- An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports.
- Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken.
- Where there is a high or medium equalities impact Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues.

Members and co-opted members remember!

- ☐ You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- ☐ You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered. Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- ☐ If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

Getting to the Meeting – for the benefit of visitors



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The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

From Exeter – 52A, 52B

From Honiton – 52B

From Seaton – 52A

From Ottery St Mary – 379, 387

Please check your local timetable for times.

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The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Housing Review Board held at Knowle, Sidmouth on 7 March 2013

Present:

Councillors:

Pauline Stott (Chairman)

Christine Drew

Douglas Hull

Jim Knight

Co-opted Tenant Members:

Pat Rous

Sue Saunders

Co-opted Independent Community Representative:

Julie Adkin

Officers:

Sue Bewes, Landlord Services Manager

Tina Cureton, Senior Housing Support Officer

Amy Gilbert, Support Services Manager

John Golding, Head of Housing

Sue Hodges, Home Safeguard Team Leader

Alethea Thompson, Democratic Services Officer

Mandy White, Housing Accountant

Also Present:

Councillors:

Jill Elson - Portfolio Holder for Sustainable Homes and
Communities

Peter Sullivan

Tenant Scrutiny Panel Member:

Eric Howard

Apologies

Co-opted Tenant Members:

Victor Kemp

Christine Morrison

Co-opted Independent Community Representative:

Rob Finch

Councillors:

Stephanie Jones – Deputy Portfolio Holder for Sustainable Homes
and Communities

Steve Gazzard

Chris Wale

Giles Salter, Solicitor

The meeting started at 6.00pm and ended at 8.10pm.

***59 Public question time**

Councillor Douglas Hull asked how much money had been received by the Council from selling Council houses this year, and with the receipts from this, how many houses the Council could realistically build.

The Head of Housing explained that the figures were contained within the agenda papers. £245,000 from the total capital receipts received (£857,000) had been retained for the provision of new social housing. He reported that 11 new homes had been purchased in Axminster and that it cost approximately £120,000 to provide a new two bedroom home, plus plot values. Councillor Hull felt that this was a terrible situation and requested that this be discussed at a future Board meeting. The Chairman replied that there was nothing the Council could do about the situation apart from put pressure on the Government, which it had already done. Members were concerned that if the Council continued to sell off its houses it would not be in a position to pay its debt repayments on the Government loan due to a reduction in rent receipts. However, the Head of Housing explained that the Council could not cut all ties from central Government and had a statutory obligation to sell homes under the Right to Buy scheme. The Portfolio Holder for Sustainable Homes and Communities assured Members that provision had been made in the Business Plan to take account of this.

Councillor Hull asked a second question relating to the timescale when land at St Andrews Drive Axminster would be ploughed in order to make it suitable for allotments. The Head of Housing replied that the Council had no plans to provide allotments in St Andrews Drive and that it did not normally provide allotments unless there was a statutory requirement to replace them. Councillor Hull urged the Council to consider the land at St Andrews Drive, Axminster.

Councillor Christine Drew expressed concern that as a Ward Member she had not been consulted in a case of damp in a Council home at Lower Brook Meadows, Sidmouth which had now been reported to the press. The tenant had gone to the press despite being given advice from housing officers and an expert damp company on how to deal with the damp in her home. The Head of Housing reported that the dampness was due to condensation, not a building defect and that the tenant had been carefully advised more than once about how to deal with the situation. The Council had responded to the press enquiry.

***60 Minutes**

The minutes of the meeting of the Housing Review Board held on 10 January 2013, were confirmed and signed as a true record.

***61 Declarations of interest**

Board Member	Minute number	Type of interest	Nature of interest
Jim Knight		Personal	His daughter lives in a Council owned property.
Jim Knight		Personal	Devon County Council Councillor
Douglas Hull		Personal	His sister lives in a Council owned property.
Sue Saunders		Personal	She is a sheltered housing tenant.
Tina Cureton (officer)		Personal	Her parents live in sheltered accommodation.
Peter Sullivan (Sidmouth Ward Member)		Personal	He is a sheltered housing tenant.

***62 Housing Review Board tenant representative vacancy**

The Chairman informed the Board that tenant representative Sally Lancaster had resigned due to health reasons. On behalf of the Board the Chairman sent her thanks and best wishes to Sally and circulated a card for Members to sign.

The Board enquired about the other tenant member who had also given her apologies and whether she intended to remain on the Board.

The Chairman welcomed Julie Adkin back to the Board following a period of ill health.

***63 Housing Review Board forward plan**

The Head of Housing presented the forward plan. He reported that several reports would be brought forward on complaints to the next meeting.

The Portfolio Holder for Sustainable Homes and Communities suggested a report be brought to a future meeting asking the Board to consider the provision of carbon monoxide detectors in sheltered accommodation properties. Consideration would be given to all the issues and implications involved.

RESOLVED: that the forward plan be noted, with the addition of a report on the provision of carbon monoxide detectors in sheltered housing to be brought to a future Board meeting.

64 **Changes to support services and contracts**

The Housing Review Board (HRB) received the report of the Support Services Manager and the Landlord Services Manager which brought members up to date with the work undertaken by the Sheltered Housing Task and Finish Forum. This included an update on progress towards a new Targeted Support contract, which was due to commence in April 2013. The report also outlined the progress towards a transformation of services in line with the new support based contract and the aspirations of the Support Service for the next 12 months.

The Landlord Services Manager reported that the reduction in Supporting People grant from Devon County Council was around 10% for an initial 12 month period, not 25% as originally anticipated. She went on to outline developing and administering the principles of the new contract, the transition of schemes/clients onto the new contract and choices that would be offered to tenants, retaining and protecting Sheltered Housing, reshaping support in 2013 and transitional arrangements and service provision for tenants under the age of 55.

The Landlord Services Manager explained the three categories of accommodation and the low, medium and high levels of support. These had been used by officers to produce an initial hourly rate and cost of support, which appeared competitive.

The service would be re-launched under the targeted support name and tenants would be invited to a series of events that would attempt to communicate the future changes to them. Mobile Support Officers would be a key part of assessing the needs of current tenants and training against the new eligibility criteria would be rolled out.

The Chairman of the Board thanked the Support Services Manager, the Landlord Services Manager and the Housing Accountant for all their hard work and also thanked Councillor Jim Knight for chairing the Task and Finish Forum. Councillor Knight replied that it was one of the best TaFFs that he had been on, with a lot of hard work involved. Staff, tenants and Members had worked well together.

- RECOMMENDED:**
- 1 that the commencement of the new Targeted Support Spot Contract, from April 2013 be approved.
 - 2 that the contents of the report outlining the work of the Sheltered Housing Task and Finish Forum over the last 12 month be noted.
 - 3 that the closure of the Sheltered Housing Task and Finish Forum be approved.

*65 **Final report of the Sheltered Housing Task and Finish Forum**

Consideration was given to the final report of the Task and Finish Forum, which had been prepared by the Landlord Services Manager and the Democratic Services Officer. This report highlighted the vision, scope, approach and recommendations of the TaFF and provided an overall review of its work.

RESOLVED: that the report be noted.

66 **Sheltered housing equipment replacement and upgrade**

Consideration was given to the report of the Support Services Manager which outlined the current position with regard to the Home Safeguard equipment installed in the Council's sheltered housing. The recommendations contained in the report were based around the current need to upgrade some of the equipment in the properties due to its age, and proposed that equipment be replaced in all sheltered housing schemes in an upgrade programme that would be rolled out over the next five years.

The Support Services Manager explained the two types of equipment: hard wired and dispersed. Officers were assessing each sheltered housing scheme to establish the best solution for that scheme as well as a time frame for when the scheme would be upgraded. New equipment also incorporated the facility to add the provision of Telecare, which could be of great advantage to more vulnerable residents.

The Board discussed the provision of smoke alarms in sheltered housing properties. The current set up linked all these smoke alarms to Home Safeguard. This ensured that on activation of an alarm, Home Safeguard were aware and could access emergency services on behalf of the tenant, when they may not be able to do so themselves. It was noted that EDDC was only one of a handful of providers who operated this system, which was regarded as a 'luxury'. The Board felt that the smoke alarm service should be continued, especially due to the growing number of dementia patients in the community.

The Support Services Manager was thanked for her report.

- RECOMMENDED:**
- 1 that the upgrade or replacement programme over the next five years to scheme equipment in sheltered housing that is linked to Home Safeguard be approved.
 - 2 that EDDC work with the Northern Housing Consortium using their Procurement Framework solution to purchase equipment.
 - 3 that the provision of smoke alarms in sheltered housing be retained and these continue to be monitored through Home Safeguard.

67 **Safeguarding Vulnerable Adults policy**

The Support Services Manager's report presented an update to the Board on the Safeguarding Vulnerable People policy and the background to how the policy was being implemented on a day to day basis. The report outlined how the Housing Support Service managed the risks as part of the daily support service delivered to vulnerable adults who reside in the Council's sheltered housing. It was noted that the policy would be implemented Council wide, not just in relation to housing.

- RECOMMENDED:**
- 1 that the updated Safeguarding Vulnerable Adults policy be approved.
 - 2 that the progress being made in safeguarding vulnerable adults within the Housing Support Services be noted.

68 **Tenancy policy amendments**

The Head of Housing explained amendments to the Council's Tenancy Policy and changes to the secure and flexible tenancies from 1 April 2013.

The Housing Review Board approved the draft Tenancy Policy in June 2012 and recommended that it be reviewed prior to implementation in April 2013. Minor changes had been made to the policy and the report recommended that these be agreed.

The Board discussed changes to rules on storage of tenants' possessions for secure tenancies and one minor amendment was proposed in the report. The revised flexible tenancy agreement was included with the agenda papers and noted by the Board.

- RECOMMENDED:**
- 1 that the changes to the Tenancy Policy be approved.
 - 2 that the length of time the Council would store any items left at a property be reduced from 3 months to 28 days for flexible tenancies and secure tenancies granted after 1 April 2013.
 - 3 that it be noted that (from 7 November 2012) introductory tenants going into general needs properties have been told that they will go onto flexible tenancies after the initial introductory period.

*69 **Get Digital project update**

The Support Services Manager's report updated the Board on progress made over the past few years by the Housing Support Services team to ensure it maximised opportunities for tenants to become digitally educated. Work had been undertaken to embed such principles as part of the core service offered to sheltered tenants due to the proven benefits that the digital agenda could bring in ensuring residents were living as independently as possible. The report demonstrated how this had been done and aspirations for the future.

The Support Services Manager explained that the Get Digital project had gone from strength to strength and that there were now waiting lists for the programme, as well as ongoing plans for the future. Work would be based on ensuring that all sheltered housing tenants had access to this type of support and ensuring that the service was in a position to deliver it.

On behalf of the Board the Chairman congratulated all those involved with the Get Digital project.

RESOLVED: that the report be noted.

***70 Housing Revenue Account budget monitoring report**

The Board received a report from the Housing Accountant giving a summary of the overall financial position on the Housing Revenue Account (HRA), HRA Capital Programme and the Business Plan for 2012/13 at the end of month ten (January 2013). Regular monitoring would highlight any areas of concern or unforeseen expenditure in the HRA and associated capital programme and enable corrective action to be taken as required. Any significant variances would be reflected in the Business Plan.

Current monitoring indicated that:

- The Housing Revenue Account Balance would be maintained well above the adopted level.
- The position on the HRA Business Plan had not changed significantly and remained in a healthy position.

Members again asked for an explanation for the capital receipts received and how those receipts must be allocated. The Accountant reported that fourteen properties in total had been sold under the Right to Buy scheme during the current year. This resulted in a deficit of three Council homes for 2012/13.

The Accountant was thanked for her report.

RESOLVED: that the variances identified as part of the HRA revenue and capital monitoring process up to month ten be acknowledged.

***71 Fire Risk Assessment progress report**

Housing Needs and Strategy Manager's report set out the progress that had been made in undertaking Fire Risk Assessments (FRA) of block of flats in the housing stock. The FRA must comply with the requirements of the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005. The Council had a duty to ensure that appropriate fire precaution measures were put in place to ensure the safety of residents who reside in blocks of flats in its ownership.

The Council owned 225 'blocks' of flats and was required to undertake a FRA for each block. A common assessment form had been prepared and approved to be used for the assessment of each block. The assessment would identify the fire precaution measures in place and recommend any further changes or improvements to fire safety at individual blocks of flats. The assessment process was estimated to be completed within two years.

The Head of Housing explained that a zero tolerance approach had been taken to the storage of items in communal areas and staircases intended as a means of escape. There had been signage changes to doors and following consultation advice, fire extinguishers would not be provided in blocks of flats. The latest advice in the case of fire was to evacuate the building where it was safe to do so, do not wait to be rescued.

***71 Fire Risk Assessment progress report (cont'd)**

The Tenant Representative Group (TRG) raised concerns over the tone of the letter sent to some residents following a recent FRA. The Landlord Services Manager assured Members that she had looked into this and a more gentle and informative approach would be taken in future. Concern was raised and the Board discussed the issue of mobility scooters stored in communal areas. The Landlord Services Manager advised the Board that consideration was being given to options for the storage and charging of mobility scooters, and that officers had been investigating what other housing authorities were doing.

The TRG felt that each block of flats should be assessed individually and that there should be training, as well as laminated notices in communal areas giving advice on evacuation procedures. The Head of Housing reported that the latest fire safety advice was being relayed to tenants.

RESOLVED: that the progress made by officers undertaking Fire Risk Assessments in Council owned blocks of flats be noted.

***72 Housing Service Quarterly Performance Indicator report**

Consideration was given to the quarterly performance indicator report for quarter 3 of 2012/13.

The Portfolio Holder for Sustainable Homes and Communities thanked and congratulated tenants for allowing 99.4% of rents to be collected.

RESOLVED: that the report be noted.

73 Housing management software system procurement

Consideration was given to the Head of Housing's report concerning the housing management software system procurement. The Housing Service was currently operating on a number of software packages that were not integrated. There was a compelling case for procuring and implementing a new comprehensive housing management software system to help achieve service delivery aspirations.

RECOMMENDED: that expenditure of up to the amount identified in the report on a new housing management software system be agreed, with delegated authority being given to the Housing and Sustainable Communities Portfolio Holder and the Head of Housing to agree the final supplier.

Chairman

Date

HOUSING REVIEW BOARD – FORWARD PLAN

This forward plan identifies reports and other agenda items for future meetings of the Housing Review Board. It is also intended to assist agenda management and act as a reminder of items to come forward to future meetings.

Report title	Meeting date	Author
Complaints and the Housing Ombudsman Service	May 2013	Project Officer
Review of complaints	May 2013	Project Officer
Community Harm Statements	May 2013	Head of Housing
Targeted Family Support	May 2013	Head of Housing
Carbon Monoxide detectors	May 2013	Housing Needs and Strategy Manager
Welfare Reform update	May 2013	Head of Housing
Tenant Scrutiny Panel report on voids	September 2013	Tenant Scrutiny Panel
Telecare services	TBC	Home Safeguard Manager
Danby House/Exbank – DCC updated proposals	Reliant on DCC timetable	Head of Housing
Quarterly performance reports and regular report		
Responsive repairs	Quarterly report	Asset and Property Manager
Letting of Council homes/voids	Quarterly report	Housing Needs and Strategy Manager
Devon Home Choice	Quarterly report	Housing Needs and Strategy Manager
Rent management	Quarterly report	Landlord Services Manager
Systems Thinking leading & lagging measures	Quarterly report	Head of Housing
New Tenants Survey		
Forward Plan	Every meeting	Head of Housing
Formal Complaints	Annual report	Housing Needs and Strategy Manager
Evaluating the achievements of the Board	Annual report	Head of Housing

Board Members can propose agenda items during meetings/debates that can be included on the Forward Plan for future meetings, or outside the meetings with the agreement of the Chairman and Vice chairman.

Annual Report of the Housing Review Board 2012/13

The Chairman and Vice Chairman of the Housing Review Board remained unchanged, with Councillor Pauline Stott as Chairman and Sue Saunders as Vice Chairman of the Board.

Words from the Chairman

“This year has started a new era for our Council homes and landlord services by taking on part of the National Housing Debt, our share being £84.5 million, financed by a loan to be repaid over 30years. This replaces a subsidy payment of approximately £6million a year from our Council rents to the Government. This new financing arrangement provides us the freedom to run our housing business in accordance with local priorities, including being able to build or buy new houses.

In our first year we have managed to purchase 11 new houses in Axminster , which in the future could see us increasing our Council stock depending on the impact of the Right to Buy. We have also been in a position to increase this year (by several million pounds) the money that will be spent on improving our Council homes.

This year the Board have overseen the work of several Task & Finish Forums. We have had two very successful ones running, the Car Parking Review which has achieved more parking for our tenants in several areas. Also the Garage Review, which made us look at ‘hard to let’ garages and ones in poor repair, and how we can get better use of some areas. The latest is the Grounds Maintenance Review looking at ways we can improve the service on our estates, which is ongoing at the moment.

Our new Tenant Scrutiny Panel did a magnificent job on their first assignment looking at the Community Centres, and following their findings we now have an officer to oversee the centre administration and activities.

I would like to take this opportunity to thank all 99.7% of you that paid your rent on time we are in the top 10 in the country for the collection of our rents.

We have had to say goodbye to two of our Housing Review Board members; Christine Morrisson and Sally Lancaster who unfortunately both had to retire due to ill health. They will both be missed and we thank them for their time on the Board.

Please remember in this time of the new Welfare Reforms we are always here to help our tenants so please contact our housing team and we will do our best to help you. We are here to try and give tenants the best home we can do to give you a secure family life, as without a home it’s very difficult for family life to exist.

And finally I would like to thank all of the tenants, independent members and Councillors and most of all the Housing Service lead by John Golding for their hard work over the last year.”

The Board

The remit of the Board covers:

- Advising the Cabinet on the Council's landlord activities and functions affecting tenants and leaseholders;
- Maintaining an active involvement in the on-going review of the options for the future ownership and management of Council owned homes, and make to recommendations;
- Promoting good practice and overseeing service improvements;
- Monitoring performance on core housing management activities and reporting to the Cabinet;
- Preparation of the Housing Revenue Account budget and Business Plan;
- Promoting tenant and leaseholder involvement and implementation of the Tenant Compact;
- Consulting with the Tenant Representative Group;
- Encouraging good practice in relation to equality and diversity issues, and ensuring that the needs of vulnerable tenants are satisfied.

The Board has continued in its role of introducing service improvements and monitoring throughout the year, liaising with the Tenant Representative Group (TRG) as appropriate, with particular focus on the following key areas:

Self-financing for Council housing

This formed a considerable amount of the HRB's work over the preceding year. The new regime presented many opportunities and allowed for reinvestment in homes and services in the future. However, it needed to be very carefully managed. The self-financing regime presented a complete change of culture for the Board and for officers. Financial monitoring reports were brought to every meeting, giving a summary of the overall financial position of the Housing Revenue Account (HRA), Capital Programme and the Business Plan for 2012/13. Every meeting showed an increasingly positive picture with the HRA balance being maintained well above the adopted level.

Draft Housing Revenue Account 2013/14

The draft Housing Revenue Account for 2013/14 was a key document for the Board to influence. The annual HRA was underpinned and influenced by the 30 year HRA Business Plan. The draft HRA showed higher investment into housing stock, a greater provision made for bad debts, and that the surplus had significantly increased (£4.4million surplus projected for the end of 2013/14 financial year). The budget proposals for 2013/14 were cautious due to the unknown effects of Welfare Reform. The Board noted the refreshed Housing Service Plan, which was updated annually and sat alongside the budget.

Audit of the Housing Revenue Account Business Plan

The HRA Business Plan was updated in June 2012 to reflect the changes that had taken place the previous year, with the introduction of self-financing and the Council taking on significant debt to escape the HRA subsidy system. The Business Plan highlighted the careful preparations that had been made for self-financing. South West Audit Partnership (SWAP) were invited to scrutinise the Business Plan and made recommendations for improvement. These were reported to the Board in November 2012 where it was agreed to endorse the changes made to the HRA Business Plan risk assessment and sensitivity analysis.

Threats to future income – Welfare Reform

Regular reports were brought to the Board highlighting threats to Housing's rent collection service and performance, and tenants' ability to pay their rents, as a result of the national Welfare Reforms. Efficient rent collection was a core housing management activity and enabled the service to manage and maintain Council homes to a good standard. An increased bad debt provision had been built into the HRA Business Plan and a cautious approach had been taken to servicing the debt taken on through the self-financing regime. Actions and initiatives taken to assist tenants were reported to the Board throughout the year and included:

- Promoting Credit Unions
- Stop the loan sharks campaign
- Promoting the downsizing scheme
- Discretionary Housing Payments

In January the Board considered the impact of the 'bedroom tax' element of Welfare Reform on Council tenants and the measures that had been put in place to mitigate the effects on tenants and maintain high levels of rent collection.

Right to Buy

Throughout the year the Board voiced their concerns over Right to Buy receipts. Although the Council had purchased 11 new homes in the district through the reinvestment of Right to Buy receipts, overall 14 homes had been sold under the Right to Buy scheme in 2012/13. This resulted in a deficit of three Council homes for 2012/13.

Changes to support services/decommissioning of sheltered housing

A recurring theme throughout 2012/13 was the future of Housing support services for older people in East Devon. A number of reports were brought to the Board and the work of the Sheltered Housing Task and Finish Forum (TaFF) was finally completed. The result was:

- Decommissioning of some sheltered housing.
- Sheltered housing schemes being placed in a programme of suitability.
- Development of criteria for sheltered housing in order to meet the needs of people with support needs.
- A new Targeted Support Spot Contract with Supporting People, from April 2013.

Work continued to be ongoing and future reports would be brought to the Board.

Tenancy strategy and tenancy policy

A new tenancy strategy and tenancy policy, including the introduction of a flexible tenancy agreement was brought to the Board. These were discussed in detail, and then reviewed and minor amendments made before they came into effect on 1 April 2013.

STAR survey and benchmarking of housing costs and performance

In September 2012 the Board received a presentation on the Standardised Tenants and Residents (STAR) survey results. It provided a summary of the survey methodology and an overview of the satisfaction results. Overall the Board were very pleased with the results, which showed an improvement on earlier STATUS survey results. Measures would be put in place in areas where it was shown there was room for improvement.

STAR survey and benchmarking of housing costs and performance (cont'd)

Following on from this, the results of a (HouseMark) cost and performance benchmarking exercise were presented to the Board in November 2012. The report compared EDDC with its peers in a number of key areas of housing management service delivery. Highlighted areas would be further investigated by service managers.

Housing Community Development (Youth) report

The Board received a presentation and update on community development work and future plans. They were reminded of the remit of the posts of the Community Development Workers and were given an update on current projects. The Board recognised the achievements and continued to support funding for community development work for youth within the District in 2013/14.

Fire risk assessments

The Council was required to undertake Fire Risk Assessments (FRA) of '225' blocks of flats in the housing stock, including sheltered schemes and community centres. A common assessment form was used for each block. The assessment identified the fire precaution measures in place and recommended any further changes or improvements to the fire safety at individual blocks of flats. Once completed the FRAs would be held on the Council's IT system and be available to all Housing staff. Progress so far was reported and issues of concern discussed.

Task and Finish Forums

The Board had set up Task and Finish Forums (TaFFs) to look in detail at specific areas:

Sheltered Housing TaFF

This ongoing TaFF had undertaken a great deal of work over the past few years with detailed feedback reports being taken to the Board. Phase 2 of the Sheltered Housing TaFF continued in August 2011 with a fresh set of terms of reference and the objective of deploying some of the Council's housing related support services into the wider community where there was capacity. The TaFF also:

- examined business models to enable support services to maintain Supporting People income and expand;
- considered the threats and opportunities in relation to the Supporting People budgets;
- explored good practice in the delivery of support services and the creation of a new support contract in addition to the tenancy agreement;
- considered income generation opportunities through the application of support charges, equipment charges and service charges for services to residents in need of support; and
- examined the links between support services and Home Safeguard and proposed improvements in service delivery.

The Board considered the final report of the TaFF and approved its closure in March 2013.

Task and Finish Forums (cont'd)

Garage management review TaFF

The Board decided to set up a Task and Finish Forum to carry out a review of garages and their management. This commenced in March 2012. There were site visits to almost all Council owned garages in the district. The work of the TaFF was presented to the September meeting of the Board, along with a schedule of recommendations for each garage site. This included various opportunities for alternative use of garage sites. The three main categories of recommendations were:

- Garages to be retained.
- Garage sites that should be developed now or in the foreseeable future.
- Garage sites that should be sold on the open market.

Review of Grounds Maintenance TaFF

Following a report on grounds maintenance work on Housing land undertaken by Street Scene Services on behalf of Housing, to keep communal areas clean and tidy (grass and hedges), including the communal gardens, it was agreed to set up a TaFF to review how the contract operated in practice, expectations on the service and to agree a way forward for the future. The first meeting of the TaFF was held on 15 March 2013.

Other issues reviewed by the Board during the year have included:

- Response to Tenant Scrutiny Panel recommendations following their review of Housing community centres - Officers and Councillors reviewed the TSP report on scrutinising community centres and invited the Chairman of the TSP to attend and discuss the Council's positive response.
- Landlord disabled adaptations policy – not to charge for adaptations to tenants' homes.
- Advantage South West procurement club annual review.
- Disposal of two Council properties in Exmouth.
- Devon Home Choice – changes to the allocation policy.
- Development Statement for increasing Council housing stock.
- Equalities and Diversity Charter for housing.
- Land adjoining the Knapp, Dalwood – provision of affordable housing.
- The Green Deal, fuel poverty and energy efficiency issues.
- Housing Revenue Account 2013/14 - programmed improvement works review.
- Formal adoption of the Chartered Institute of Housing Repairs Charter for Housing.
- Car parking improvement schemes update.
- Rent setting options for the future - to be considered again in the future.
- Resident Involvement Strategy update.
- Antisocial behaviour service and the Respect Charter for Housing.
- Review of Housing and HRB drop in sessions and surgeries – to be discontinued, with ad hoc sessions held as and when required.
- Home Safeguard equipment in sheltered housing replacement and upgrades, including the retention of smoke alarms in sheltered housing.
- Safeguarding vulnerable adults' policy.
- Get Digital project update.
- Housing management software system procurement.
- Performance indicator reports.

Agenda Item: 09

Housing Review Board

9 May 2013

EC



Housing Service Complaints April 2012 - March 2013

Summary

This report provides information on formal complaints received in relation to the housing service for the period April 2012 to March 2013.

We take complaints seriously and monitor formal and informal complaints carefully, using them for learning wherever possible.

The report also considers the Chartered Institute of Housing Complaints Charter and other ways we use to capture tenant feedback.

Recommendation

- a. To note what has been learnt from complaints during 2011/12.
- b. To note the number and type of complaints received during 2012/13.
- c. To note the other ways in which we capture feedback from tenants.
- d. To ensure that reported problems are dealt with 'right first time'.
- e. To continue to promote the complaints process.
- f. To consider signing up to the Chartered Institute of Housing (CIH) Complaints Charter.

a) Reasons for Recommendation

To continue to improve the way we handle complaints, to learn from them and to meet the agreed Local Standards.

b) Alternative Options

To deal with complaints as they are received with no further consideration of numbers or service areas to be improved.

c) Risk Considerations

Potential criticism, deterioration of reputation, failure to improve and failure to implement Local Standards.

d) Policy and Budgetary Considerations

None.

e) Date for Review of Decision

The Housing Review Board receives an annual report on complaints.

1. Background

- 1.1 The Housing Service deals with formal complaints through the corporate complaints two stage process:
Stage 1 - complaints will be considered by the Service Head
Stage 2 - complaints will be considered by the Deputy Chief Executive/Monitoring Officer
- 1.2 If customers are still not satisfied they could, up until 31 March 2013, take their complaint to the Local Government Ombudsman. Changes have been put in place from 1 April 2013 and these are explained in full in the Housing Review Board paper 'An introduction to the new 'designated person' and new arrangements for dealing with complaints by tenants' going to the meeting in May 2013.
- 1.3 To summarise the new arrangements - from 1 April 2013 all housing complaints except for those to do with allocations or the waiting list will be dealt with by the Housing Ombudsman. If the tenant is still not happy with the outcome once it has gone through our complaints process they will can either wait eight weeks and then go directly to the Housing Ombudsman, or they can take their complaint to a designated person who can refer it to the Housing Ombudsman, if they feel this is appropriate.
- 1.4 We have now signed up to membership of the Housing Ombudsman Scheme.
- 1.5 We give tenants information about how we are dealing with complaints in general in the Annual Report to tenants each October.

2. Summary of what we learnt from formal complaints received in 2011/12

- 2.1 From the complaints received during 2011/12 it is clear that:
 - 2.1.1 We need to continue to make sure that any one contacting the housing service is put through to the right officer to deal with their issue and that tenants are given the name of the officer.
 - 2.1.2 We need to continue to advertise and promote ways in which tenants can make a compliment, comment or complaint about the service.
 - 2.1.3 Following one particular complaint following a call to Home Safeguard we are working with district nursing teams to ensure we can explain to tenants how long it may take for the nurse to call.
 - 2.1.4 Another complaint highlighted the importance of our Mobile Support Officers to keep in touch with and communicate important information to all supported housing tenants, even those who do not receive weekly support or calls.
 - 2.1.5 Improving communication between our own housing teams is important for example making sure that Estate Management officers are aware of when programmed works are taking place.
- 2.2 We report in our Annual Report to tenants each October what we have learnt from complaints.

3. Complaints received during 2012/13

- 3.1 Between April 2012 and March 2013 we received 24 formal housing complaints. Three of these are still ongoing. Of the

remaining 21, 14 (66%) stopped at Stage 1, 6 stopped at Stage 2 and one has gone to the Local Government Ombudsman.

- 3.2 The complaints can be broken down by service area as show in the table below with a comparison to the figures for 2011/12.

Service area	Formal complaints 2011/12	Formal complaints 2012/13
Staff and customer service	10	6
Property and contractor issues	3	6
Devon Home Choice/Allocations	2	7
Antisocial behaviour	1	1
Other	2	4
Total	18	24

- 3.3 No payments or liability was made.

- 3.4 Our response rate for investigating and replying to a complaint at Stage 1 was on average 10 calendar days.

- 3.5 One complaint was to do with a call to the Home Safeguard Alarm Centre. As a result of this complaint it was been agreed that the tape recording of the conversation can be used for training purposes.

4. Benchmarking

- 4.1 We can now benchmark our formal housing complaints through the Housemark benchmarking club. However, because of the way that the corporate system for complaints operates we are only able to benchmark against three indicators:
- number of new stage 1 complaints
 - average time in calendar days to issue a full response to all Stage 1 complaints
 - percentage Stage 1 complaints responded to in full in target time.

- 4.2 Stage 1 complaints per 1000 stock 2012/13 (figures in brackets are for 2011/12)

	1 st quarter	2 nd quarter	3 rd quarter
Number of complaints per 1000 stock	1.4	0.7	2.1
Club median of complaints per 1000 stock	5.9	6.26	6.37
Ranking	8 th (2 nd)	1 st (6 th)	9 th (5 th)
Average response time in days	10.6 (11.7)	16 (18.6)	22.6 (18.8)
Club median average response times	11	11	11.82

- 4.3 We responded to all Stage 1 complaints within our target of 21 days during the first two quarters of 2012/13. In the third quarter EDDC dropped to a ranking of 85 out of 92 housing providers that provided benchmarking data. This was due to two complaints being outside the target time. One response was delayed due to Christmas and another as a result of the need to send a holding letter prior to being able to respond in full.

5. The CIH Complaints Charter

- 5.1 The Chartered Institute of Housing has drawn up a complaints charter to help housing providers develop and deliver an excellent internal approach to managing and resolving customer complaints.
- 5.2 The Charter has 5 core commitments:
- A positive and flexible approach to complaints is embedded throughout the organisation
 - the complaints service is open and accessible to all
 - the delivery of a quality complaints service
 - working with customers to shape and improve the complaints service
 - to monitor performance and learn from feedback to continually improve services.
- 5.3 Further details are provided about what is required under each of these commitments (see **Annex 1**).
- 5.4 We can consider signing up to the Charter. This is voluntary and based on self assessment. By signing up to the Charter we are demonstrating that complaints are welcomed, taken seriously, resolved and learned from.

6. Other ways in which we capture feedback from tenants

- 6.1 **Satisfaction surveys:** For various parts of our service we regularly send out satisfaction surveys. This includes repairs, estate management and gas servicing. Information from these is included in the quarterly reports to Housing Review Board.
- 6.2 **STAR survey:** This replaced the old STATUS survey. It was carried out between February and April 2012 and the Housing Review Board received a report on the findings at its meeting on 6 September 2012.
- 6.3 **‘Have your say’ survey:** In the spring 2012 edition of Housing Matters the Customer Care Commitments Service Review Group included the ‘Have your say’ survey asking for compliments, comments or complaints about the housing service.
- 6.3.1 We received 148 responses between 30 April and 23 May 2012 of which 43% were compliments, 29% were complaints and 28% were comments.
- 6.3.2 All areas of the service received compliments. As might be expected Estate Management, Repairs and Planned Maintenance received the highest number of complaints (30%, 19% and 21% respectively).
- 6.3.3 For Estate Management the largest number of issues were to do with parking problems, and poor appearance and litter on the estates. For Planned Maintenance the largest issue was around the door replacement programme.
- 6.3.4 All the issues raised as a comment or complaint have been investigated by the relevant Housing team.
- 6.4 **Local Standards and Annual Report questionnaire:** This is sent out with the Annual Report to tenants. 4432 surveys were sent out and 350 responses received (7%).

- 6.4.1 The objectives of the survey is to:
- i monitor progress in achieving two of our local standards
 - ii receive feedback on suggested new standards
 - iii understand tenants' views on the Annual Report.
- 6.4.2 Many of those who responded to the questionnaire also used it as a way to raise a complaint. Over 30% of those who responded said they did not know how to make a complaint about the housing service.
- 6.4.3 The main areas of concern raised fall into two broad areas:
- i tenants do not feel their calls are being dealt with professionally
 - ii reported problems are not being resolved (staff pass on issues rather than dealing with them, repairs are not being done, visits are not being followed up, tenants feel they are misinformed or not kept informed).
- 6.4.4 When considering these issues it is very important to remember that only 7% of the surveys sent out were returned and over 70% of those responding were over 60 years of age. The responses therefore cannot be taken as representative of the views of the whole tenant body.
- 6.5 We have found that many of the issues tenants raise through the surveys mentioned above have already been reported to us, and in many cases resolved in the interim.
- 6.6 The Information and Analysis Officer has raised concerns about the number of surveys being sent out to tenants and whether in some cases the responses are valid due to the small number being returned. It is felt that the STAR survey, which is currently carried out once every two years and uses sophisticated sampling techniques picks up many of the issues currently raised in other surveys but allows for better analysis and follow up processes. As a result the 'Have your say' survey has not been sent out again to date and the Local Standards and Annual Report questionnaire may not be sent out this year.

7. Recommendations

- 7.1 To note what has been learnt from complaints during 2011/12.
- 7.2 To note the number and type of complaints received during 2012/13.
- 7.3 To note the other ways in which we capture feedback from tenants.
- 7.4 To continue to improve the way in which we deal with tenant's calls and enquiries.
- 7.5 To ensure that reported problems are dealt with 'right first time'.
- 7.6 To continue to promote the complaints process.
- 7.7 To consider signing up to the CIH Complaints Charter.

Legal Implications

There are no legal observations requiring comment.

Financial Implications

There are no financial implications.

Consultation on Reports to the Cabinet

None.

Background Papers

- [Chartered Institute of Housing Complaints Charter](#)

Emma Charlton
Housing Projects Officer

Housing Review Board
9 May 2013



Complaints:
ClH charter for housing

HouseMark 
Performance Improvement

Complaints: CIH charter for housing

The CIH complaints charter is a flexible framework that helps you to develop and deliver an excellent internal approach to managing and resolving customer complaints. It focuses on organisational values, the accessibility of the service, the processes and the overall customer experience.

The charter is focused on your internal complaints service – specifically in relation to complaints about your organisation and the services you provide. We have not attempted to set out a prescriptive definition of what constitutes a complaint in the context of this charter – this is up to you, in consultation with your customers, to determine. You may want to use, or adapt, the following definition which is widely used across a range of industries and sectors: *a complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation or its staff affecting an individual customer or group of customers.*

The charter includes a set of commitments which are underpinned by a range of outcomes – together, the commitments and outcomes provide a framework against which organisations can assess where they are now and where they aspire to be.

By signing up to this charter, you are demonstrating to your customers that complaints are welcomed, taken seriously, resolved and learned from.

There are 6 core principles underpinning the complaints charter for housing:

1. Sign up is voluntary and based on self assessment
2. It has been developed using sector expertise
3. It is flexible and can be tailored to suit the outcomes that matter to you and your tenants
4. It is focused on outcomes, not processes
5. It drives sector led improvement
6. It complements existing frameworks or initiatives



What are we signing up to?

Core commitment

We can demonstrate that:

Our positive and flexible approach to complaints is embedded throughout our organisation

- Our approach to complaints handling is reflected by our values, aims and objectives
- We adopt the principle that all expressions of dissatisfaction should be taken seriously and acted on appropriately
- We have a positive approach to complaints and they are welcomed as part of our wider approach to collecting customer feedback
- We are committed to dealing with complaints in a fair, impartial and timely manner
- We are committed to using complaints to review and improve the services we provide and to shape our business
- We recognise the importance of complaints and allocate the appropriate level of resources to ensure we can deal with and resolve them effectively

Our complaints service is open and accessible to all

- Any of our customers wishing to make a complaint can do so freely in an easy and simple way, using a range of different methods
- We ensure that information about our complaints service, and relevant support or advocacy services, is promoted, easy to understand and can be accessed by all of our customers
- We use information about our customers to help us shape and develop a fair and accessible complaints service
- All our staff will take ownership of a complaint and either seek to resolve it or pass it on to a relevant person
- Our customers are confident that complaints are welcomed, treated seriously and will be dealt with in confidence

We deliver a quality complaints service

- We have clear processes and service standards in place so that customers know what to expect from our service. We regularly review these with customers to ensure that they continue to meet their needs
- We keep the number of stages in our complaints process to a minimum and focus on resolving complaints at the first stage wherever possible
- We focus on effectively resolving complaints within our published timescales
- Customers are kept fully informed about who is handling their complaint, how to contact them and what will happen next and by when

What are we signing up to?

Core commitment

We can demonstrate that:

We deliver a quality complaints service (continued)

- Customers receive a decision that is objective and evidence-based and which addresses all the issues that have been raised
- We keep clear and accurate records as a matter of course and can account for the decisions that we have made
- Customers are informed of how they might escalate their complaint once our internal procedure is exhausted, if they feel the problem is still not resolved

We work with our customers to shape and improve our complaints service

- Customers are involved in the review and continuous improvement of the complaints process to ensure that it is fit-for-purpose, objective and outcome focused
- We will support tenant panels (or their equivalent) to operate independently and to be actively involved in facilitating the resolution of complaints
- We provide appropriate training to customers who are involved in the monitoring, review and resolution of complaints

We monitor our performance and learn from feedback to continually improve our services

- We use performance measures that are focused on monitoring the effectiveness of our complaints handling to improve the service
- We ask our customers if they are satisfied with our complaints handling and we use this feedback to learn and to improve the service
- We regularly compare our complaints service with other organisations to improve the quality and value for money of our service
- We consistently analyse the trends arising from complaints and use this information to inform our approach to customer service and staff training, to drive improvement and to target resources
- We seek to learn from all expressions of dissatisfaction, including those that are resolved at the first point of contact, and to use them to inform our improvement plans
- We regularly publish details of how we have improved our services as a result of learning from complaints

Signing up to the complaints charter

We recognise that the housing sector is diverse and that capacity, resources and priorities will vary from organisation to organisation. It is also really important that organisations have the space to innovate and be creative in their approach. As such, we recommend that you use the complaints charter as a framework which can be built on and adapted to respond to individual and local circumstances. It is up to you, your staff and your customers how you use the charter – to drive continued excellence or to act as a springboard for change - the key thing is that you deliver the right outcomes for your customers.

Organisations that sign up to the complaints charter will benefit from the following:

1. **Sharing practice and learning from others:** CIH will support a free, open-access website and participating organisations will be invited to up-load short, practice examples which align to the charter principles which they will share with the wider sector. This reflects the principles of transparency and sector-wide shared-learning which underpins the charters.
2. **Joining our complaints network:** organisations that sign up to the charter will join our free complaints network where other charter signatories can share ideas, expertise and knowledge to drive improvements in internal complaints management.

To sign up to Complaints: CIH charter for housing visit the webpage www.cih.org/complaintscharter

Support and assistance

CIH has a team of experts who can provide external assistance and critical challenge. More information on our services and other useful documents can be found at www.cih.org/yop/complaintsresources

HouseMark offer a range of services including:

- HouseMark complaints benchmarking www.housemark.co.uk/hm.nsf/0/354BDF97FDFB107B802576830036DE97?opendocument
- HouseMark complaints accreditation service www.housemark.co.uk/hm.nsf/0/0EEB3A7FDB8EC37C8025775100545EBD?opendocument
- HouseMark complaints adviser service, in conjunction with Rafael Runco, and complaints club www.housemark.co.uk/hm.nsf/0/CFF6C0BAC37BD0228025799D004FCAF6?opendocument
- Ombudsman says www.ombudsmansays.info

Agenda Item: 10

Housing Review Board

9 May 2013

EC



An introduction to the new 'designated person' and new arrangements for dealing with complaints by tenants

Summary

From 1 April 2013, the Localism Act 2011 put in place new arrangements for dealing with complaints by social tenants against their landlord. District councillors, MPs and tenant panels ('designated persons') will be able to play a more active role in resolving complaints at the local level.

This report sets out these changes and considers the role of the designated person. It reviews our current position and outlines what other local housing providers currently do. It is intended primarily as a discussion document.

The Tenant Representative Group has written to the Housing Review Board (**Annex 1**) requesting that the Board recognises the new East Devon Designated Tenant Panel.

Recommendation

- a. To note the changes to the arrangements for dealing with complaints by tenants.
- b. To ensure that district councillors are aware of the changes and their new role as a designated person.
- c. To recommend that the Cabinet considers suggesting that the individual role of councillors as a designated person is delegated to one or a few specific councillors who do not have a current role within the Housing Service.
- d. To note the progress made by tenants with regard to setting up a Designated Tenant Panel and to acknowledge and respond to the letter received from the Tenant Representative Group.
- e. To note that the Designated Tenant Panel will require administrative support and will need to be insured and indemnified by the Council.

a) Reasons for Recommendation

To comply with changes to regulation introduced through the Localism Act 2011 and ensure that designated persons are able to play a role in resolving housing landlord complaints.

b) Alternative Options

Not to comply with the changes.

c) Risk Considerations

The Housing Ombudsman may criticise landlords if there is not a clear audit trail for the involvement of tenants in decision-making through a Designated Tenant Panel or if a Designated Tenant Panel is not sufficiently enabled to contribute independent views to the local resolution of complaints.

d) Policy and Budgetary Considerations

These are set out in the report. The main costs at this stage will be training costs and mileage expenses.

e) Date for Review of Decision

A further paper will be presented to the Board once the Designated Tenant Panel has finalised their terms of reference and code of conduct.

1 Background

- 1.1 Within the Housing Service we deal with formal complaints through the corporate complaints procedure. This is a two stage process. At Stage 1 complaints are considered by the Head of Service, and at Stage 2 complaints are considered by the Deputy Chief Executive/Monitoring Officer.
- 1.2 Up to 31 March 2013 if, after going through the process outlined above, the tenant is still not satisfied with the outcome then they could take their complaint to the Local Government Ombudsman.
- 1.3 On 1 April 2013 the complaint process changed. The Local Government Ombudsman (LGO) no longer handles housing related complaints unless they are connected to allocations or the waiting list. All other housing complaints should now go to the Housing Ombudsman (HO). The LGO and HO have issued some joint guidance as to which ombudsman will dealt with which complaints – see <http://www.lgo.org.uk/making-a-complaint/what-we-can-look-at/complaints-about-social-housing>
- 1.4 As part of this new scheme the Housing Ombudsman can make a new verdict on cases – that of ‘service failure’. This will cover complaints for which a verdict of ‘maladministration’ is considered too severe.
- 1.5 We have had very few complaints go to the Local Government Ombudsman. In fact from the start of 2011 we had only three housing related complaints that went to the LGO and of these only one would be eligible (under the new arrangements) to go to the Housing Ombudsman. This was a complaint about poor workmanship over a wet room conversion. Of the other two, one was a reference to the private sector housing team and one was to do with a Devon Home Choice banding decision (allocations).
- 1.6 1 April 2013 also saw the introduction of the ‘designated person’ (see Section 2). Complaints can only go to the

Housing Ombudsman if they have either been considered by a designated person, or if the tenant has waited 8 weeks from the end of the landlord's complaints process (see flowchart in **annex 2**).

2 The designated person

2.1 There are three types of 'designated person':

- A Member of Parliament
- A local district councillor
- A recognised tenant panel

(For the purposes of this report the term 'designated person' will include the Designated Tenant Panel).

2.2 The term local district councillor for this purpose should be for the district in which the tenant lives. The local authority councillors can agree to delegate this responsibility to just one or several councillors to whom other councillors will refer tenants. If this is the case then it is recommended that the delegated councillors do not hold a role in the Housing Service.

2.3 County, town or parish councillors do not qualify as a designated person.

2.4 Tenants can approach whichever designated person they choose, and they can approach all three types if they so wish. The designated person should ask the tenant what other action they are taking.

3 The role of the designated person

3.1 The main role of the designated person is to assist in resolving tenant complaints and to provide a fresh, impartial and independent perspective on problems between landlord and tenant.

3.2 The designated person can suggest views and approaches that may not have been considered by the tenant or the landlord.

3.3 The designated person is not intended to be a tribunal, to carry out the role of the Ombudsman or to be an additional stage in the landlord complaints procedure. They have no formal powers other than the right to refer complaints to the Ombudsman and they cannot make a formal judgement about the merits of a complaint.

3.4 The designated person may need to:

3.4.1 explain to the tenant that they have been through all stages of a complaint, that it has been properly handled and the nature of the complaint suggests that there is little to be gained by pursuing it further;

3.4.2 explain to the landlord that it has not followed procedures correctly or that the procedures are inappropriate and it should acknowledge this and do something to rectify this as soon as possible;

3.4.3 explain to either party that, even if the tenant or landlord is right or wrong about the facts of a complaint, they could have handled it better.

3.5 If the designated person considers that there is nothing they can do to resolve the complaint locally, and if the tenant authorises them to do so, part of the role is to refer the complaint to the Housing Ombudsman. There is a legal requirement that complaints should be referred in writing.

3.6 The designated person can also participate in using the learning gathered from complaints to help improve services by advising the landlord as to how policies and procedures could be changed to prevent complaints arising again.

3.7 As well as their 'formal' role, the designated person can give helpful advice to the tenant at any stage of a complaint.

4 The Designated Tenant Panel

4.1 The Localism Act 2011 brought in new regulatory standards for social landlords. Under one of these, the Involvement and Empowerment standard, the Registered Provider must:

- offer a range of ways for tenants to complain: set clear service standards for complaint handling; explain what complainants can do if they are unhappy with the outcome;
- give tenants support to build their capacity to be involved; support the formation of tenant panels and other forms of participation.

4.2 A tenant panel becomes 'designated' when a landlord has recognised it for purposes of referring complaints. The landlord should then notify the Housing Ombudsman that it has recognised the relevant panel. There should be a clear audit trail of how the landlord agreed with their tenants the process for recognising the designated panel.

4.3 It is not the responsibility of the landlord to establish tenant panels, but they are expected to assist residents who come forward to set them up.

4.4 This support should include:

- set up and recruitment support
- access to training
- secretarial and administrative support
- publicity to the tenant body of the existence and contact details for the panel
- support regarding indemnity and insurance issues.

4.5 Advice suggests that the landlord may wish to consider setting up a dedicated email address and telephone number for the panel which is only accessible by the panel members or officers working for it.

4.6 As with all designated persons, the Designated Tenant Panel can give advice at any stage of a complaint, and they may wish to look wider than just the formal complaints process.

5 Conflicts of interest

5.1 Councillors and MPs are subject to local authority and parliamentary Codes of Conduct. These principles should

also be followed by all designated persons and panel members.

5.2 Potential conflicts of interest may include:

5.2.1 Councillors or MPs who have particular roles, for example within the Housing Service. They may wish to refer complaints to other councillors or local staff to act on their behalf.

5.2.2 Councils with retained housing stock (as is the case for EDDC) may wish to identify particular councillors without any council housing role to act as designated persons.

5.2.3 Tenants and councillors who are Board members (in our case the Housing Review Board) should not act as a designated person or join a Designated Tenant Panel.

5.2.4 Tenants may be involved in other activities within the landlord service, but it is recommended that tenants who have previously been involved in the landlord's complaints procedure do not participate in a Designated Tenant Panel.

6 Data protection

6.1 The designated person should not take any formal action to progress a complaint without clear written authorisation and should ask the tenant (complainant) to sign that they are authorising the landlord to release personal information about the complaint to the designated person.

6.2 There needs to be in place an effective system to manage and keep confidential any information received in the role of designated person.

6.3 Advice is being sought as to whether members of the designated panel should register with the Information Commissioner.

7 Our current position and how we could involve tenants further in the complaints process

7.1 From 1 April 2013 all MPs and local district councillors can be approached to act as a designated person. As an authority with housing stock East Devon District councillors may wish to consider whether they wish to delegate this role to one or a number of named councillors. These councillors should not already have a role within the Housing Service or Housing Review Board.

7.2 Even if the designated person role is not delegated, it is good practice that councillors on the Housing Review Board, or those who have a particular role within the Housing Service, should not act as a designated person for housing complaints, but should refer to another local district councillor. This formalises the challenge that many elected members perform already when taking an issue up on behalf of a constituent.

7.3 In the summer 2012 edition of Housing Matters the Tenant Representative Group enclosed a questionnaire to tenants asking them whether or not they wished to see a Designated Tenant Panel for complaints set up. 423 tenants returned the questionnaire (about 10% of the total number sent out) of

which 231 were in favour and 192 were against the setting up of a panel.

- 7.4 The result was discussed at the Tenant Representative Group meeting held on 23 October 2012 and it was decided to write to all those who had voted in favour to ask if they would wish to join the panel and take part in training. The training (run by The Board Development Agency) took place on 11 and 18 March 2013 and 9 tenants attended. Of these 8 are keen to become members of the Designated Tenant Panel for complaints (the other is a tenant member of the Housing Review Board).
- 7.5 An action plan was drawn up by the tenants at the training. The 8 interested tenants will meet again to progress the agreed actions. They will also draw up terms of reference and code of conduct (draft copies attached as **Annex 3 & 4**).
- 7.6 The tenants envisage the Designated Tenant Panel having a wider remit than just to act as a designated panel for formal complaints. This will be included in their terms of reference. In their draft terms of reference they have put at section 2.4: *The Panel will negotiate with the Landlord regarding how it may be involved in complaints handling at earlier stages of complaints, although the Panel does not adopt its formal “designated” status until a complaint has exhausted the Landlord’s complaints procedure.*
- 7.7 The Tenant Representative Group has now written to the Housing Review Board (see **Annex 1**) requesting that EDDC acknowledges the Designated Tenant Panel.
- 7.8 Currently tenants do not get involved with our formal complaints procedure. However, the Customer Care Commitments Service Review Group (CCCSRG) does have the responsibility to monitor formal housing complaints quarterly and there is a Tenant Support Group who will give information and guidance to tenants about the complaints process, and support them through the process if they wish. We have a two stage corporate complaints procedure. We may consider altering this for housing complaints but initially the Designated Tenant Panel/elected member will become involved (subject to the complainants wishes) after stage 2 of the complaint procedure.
- 7.9 The Tenant Representative Group will be asked to consider how they see these groups working with the Designated Tenant Panel.
- 7.10 Last year Grant Shapps, the then Minister for Housing and Local Government commissioned a guide on tenant panels www.nationaltenants.org/tenantpanels. This included some suggestions of ways in which tenants can be involved in complaints.

Suggestions	Potential role of tenant panel	In East Devon
Resolving issues locally	to explain how things work and unblock problems before they become complaints.	Our existing Tenant Support Group does this to some extent but the designated tenant panel may wish to take on this role.
Advice on complaints procedure	help tenants to take complaints through the landlords complaints procedures.	
An informal opinion	To give an honest assessment from a tenant perspective of whether the tenant is justified in making a complaint.	
Stage 2 or 3 Complaints	In some cases panels 'hear' evidence and make recommendations.	
Monitoring complaints	Monitoring complaints received, ensuring that they are taken into account during service reviews.	CCCSRG has started to do this but the designated tenant panel may wish to take on this role.
Following up complaints	Following up successful implementation of complaints procedure outcomes with tenants.	
New local role for Tenant Panels	Localism Act introduced new and additional role for 'designated person'.	TRG considering.

7.11 The designated panel will require administrative support and guidance from a housing officer (individual to be agreed). A protocol will need to be drawn up with the Panel as to how tenants will be made aware of the Panel and their role, and how they can be contacted. A dedicated email box will be needed with access limited to Panel members and the administrative support officer.

7.12 We need to consider how the Panel will go about their work in practice including whether this is a desktop exercise, one involving home visits, or both. We need to consider whether officers attend and explain the case and their actions regarding the complaint. We can take a view on what remedies can be offered and whether this extends to compensation. Some of the practices will evolve as the Designated Tenant Panel becomes more experienced.

7.13 The designated panel will need to be insured and indemnified by the Council.

8 How other local housing providers are responding to the changes

Organisation	Current Position	Tenants currently involved in complaints	Tenants interested in designated panel
Devon & Cornwall Housing Group	They do not have a resident complaints panel at the moment and have not, to date, been approached to set up a designated panel.	No	Not as yet

Organisation	Current Position	Tenants currently involved in complaints	Tenants interested in designated panel
Exeter City	They don't involve tenants in the complaints process at all. They follow the corporate complaints process. They will be putting an item in their newsletter about the changes and if approached will put training in place for tenants interested in a designated panel, but they are not actively working with tenants to set one up.	No	Not as yet
Teign Housing	They reviewed their complaints process last year and their Tenants Forum was heavily involved in the shaping and decision making process. When the new process is approved and in place there will be a stage which would include an offer of a panel meeting. The panel would include tenants. Following intensive staff training last year the majority of complaints are resolved without progressing to a formal complaint. No tenants have yet come forward to request a designated tenant panel for complaints.	Will be	Not as yet
Mid Devon District Council	Tenants not currently involved in the complaints process. They put an article in the tenant newsletter about a designated tenant panel and 4 tenants have come forward for training.	No	Yes
Plymouth Community Homes	Board members are currently involved at Stage 3 of the complaints process, as part of a panel. Not yet received a request about a designated panel.	Yes	Not as yet
North Devon Homes	They have recently set up a Designated Tenant Panel and they are developing their terms of reference, code of conduct etc. As well as acting as the designated panel they will review complaints on a quarterly basis.		Yes – panel in process of being set up

9 Recommendations

- 9.1 Pulling all of this together into a series of recommendations for the way forward it is proposed that the Board - note the changes to the arrangements for dealing with complaints by tenants.
- 9.2 To ensure that district councillors are aware of the changes and their new role as a designated person.

- 9.3 To recommend that the Cabinet considers suggesting that the individual role of councillors as a designated person is delegated to one or a few specific councillors who do not have a current role within the Housing Service.
- 9.4 To note the progress made by tenants with regard to setting up a Designated Tenant Panel and to acknowledge and respond to the letter received from the Tenant Representative Group.
- 9.5 To note that the Designated Tenant Panel will require administrative support and will need to be insured and indemnified by the Council.

Legal Implications

There are no legal comments at this stage, however the DTP may require legal support and advice when considering specific complaints as it commences its work.

Financial Implications

The only financial implications at this stage will be for training, administrative support and insurance which can be met from existing budgets.

Consultation on Reports to the Cabinet

None.

Background Papers

- [Housing Review Board paper presented on 3 May 2012 'Housing Service Complaints April 2011-March 2012 and the work of the Customer Care Commitments Service Review Group'](#)
- Guide on tenant panels www.nationaltenants.org/tenantpanels

Emma Charlton
Housing Projects Officer

Housing Review Board
9 May 2013

Date: 02 April 2013
Contact number: 01395 517453
E-mail: tenantparticipation@eastdevon.gov.uk
Our Reference: BA/TRG
Your Reference:



Housing Review Board Members
Council Offices
Knowle
Sidmouth
EX10 8HL

Tenant Participation
Council Offices
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EX10 8HL

Tel: 01395 517453

Dear Housing Review Board Members,

Designated Tenant Complaint Panel

From 1 April 2013, the Localism Act 2011 puts in place new arrangements for dealing with complaints by social tenants against their landlords. Councillors, tenant panels and MPs ("designated persons") will be able to play a more active role in resolving complaints at the local level.

In the summer 2012 edition of Housing Matters, the Tenant Representative Group enclosed a questionnaire to tenants asking them whether they wished to see a designated tenant panel for complaints set up. 423 tenants returned the questionnaire of which 231 were in favour and 192 were against the setting up of a panel.

The result was discussed at the TRG meeting held on 23 October 2012 and it was decided to write to all those who had voted in favour to ask if they would wish to take part in training to set up a new panel. This training, run by The Board Development Agency Ltd, took place on 11 and 18 March 2013 and 9 tenants attended. Of these 8 are keen to become members of the designated tenant panel for complaints.

A tenant panel becomes "designated" when a landlord has recognised it for purposes of referring complaints. The landlord should then notify the Housing Ombudsman that it has recognised the panel.

The TRG formally requests that the Council recognise and acknowledge the new East Devon Designated Tenant Complaint Panel as from the 1st April 2013.

A landlord is required through the Tenant Involvement and Empowerment Standard to support the formation and activities of tenant panels, including those set up for the purposes of dealing with complaints.

We look forward to hearing your decision at the next Housing Review Board meeting.

Yours faithfully

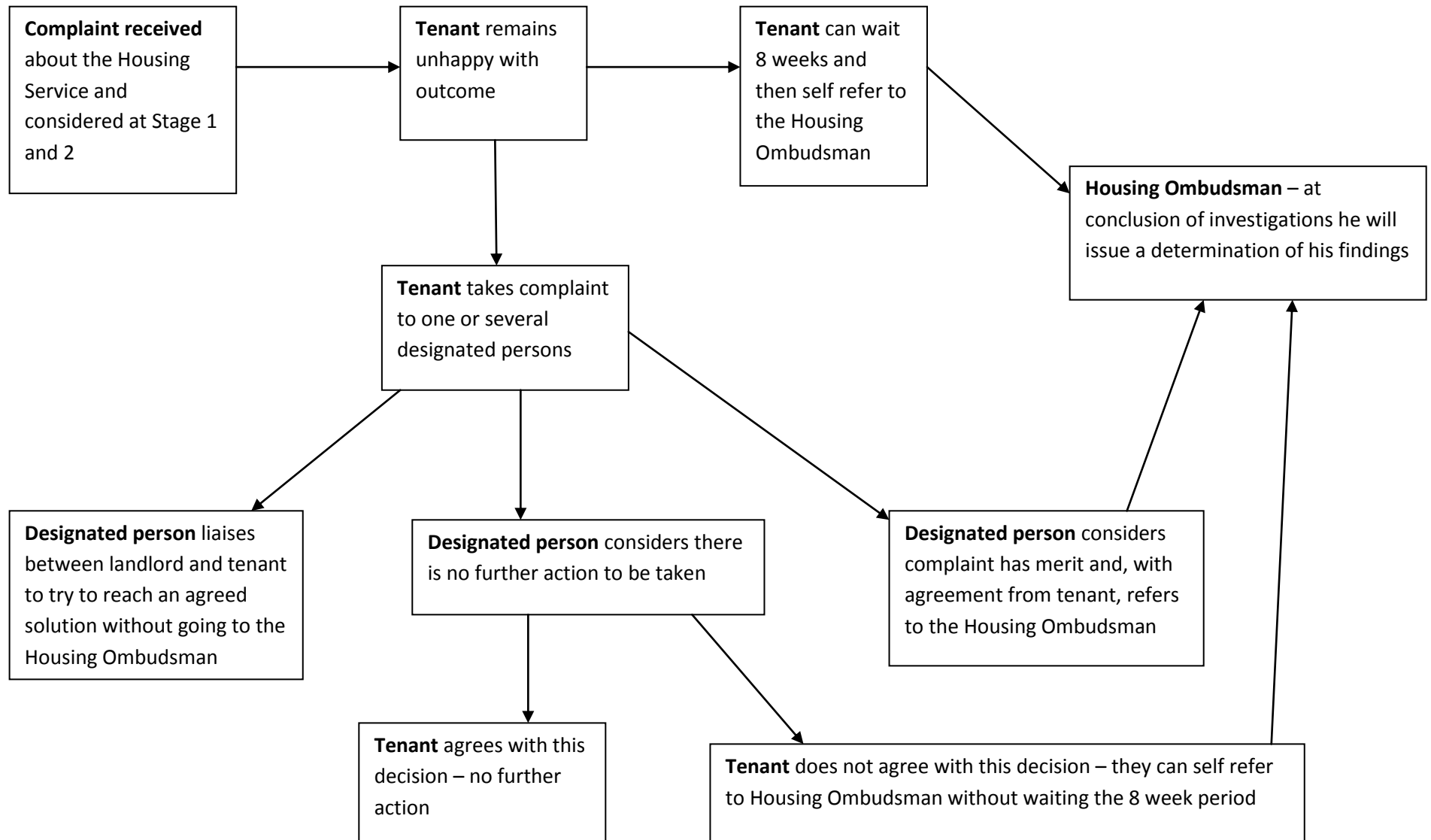
Handwritten signature of Vivienne Ash in black ink.

Vivienne Ash
Tenant Representative Group
(Chairperson)

Handwritten signature of Pat Rous in black ink.

Pat Rous (Tenant)
Tenant Representative Group
(Vice-Chairperson)

Annex 2 - Flow chart showing process by which a complaint can be considered after the formal complaint process



Designated Tenant Panel

Terms of Reference

Statement of Intent

The purpose of the East Devon Designated Tenant Panel (the Panel) is to enable the Panel to play a role in helping to resolve complaints received from tenants (tenants and Leaseholders) of East Devon District Council (the Landlord) locally, potentially using powers to refer complaints to the Housing Ombudsman Service where local resolution is not possible

1. Aims and Objectives

1.1 The Panel's Aims and Objectives are :

- to use local knowledge and relationships to work with tenants and the Landlord to find local solutions to complaints and problems raised by tenants
- to constructively challenge the Landlord and tenants so that they can sort things out for themselves wherever possible
- to provide support to tenants
- to come together as group to make an unbiased assessment of a formal complaint.
- to listen to the view point and look at evidence of both the complainant and EDDC.
- by taking into account solely the verifiable facts of the complaint come to a decision as to whether the complainant has cause for complaint.
- if the Panel considers the complaint is justified, they may refer the complaint to the Ombudsman.
- in certain circumstances, where the Panel feels it is justified to be referred or do not consider that the complaint warrants referral but are convinced that the complaint could have been handled more sympathetically by EDDC, then with the agreement of all concerned, they will act as mediators and attempt to find a compromise, acceptable to both parties before the complaint goes to the Ombudsman.

1.2 The intended outcomes of the Panel include the following:

- tenants' Formal Complaints will be resolved locally, therefore more effectively and quickly.
- the Panel will monitor the Formal Complaints that come before them and will take note of complaints, which have a common origin.
- if a particular service area is repeatedly the source of the Formal Complaints coming to the Panel, the members must report this to the Head of Housing.
- Concerns will also be reported to the relevant Service Review Group or to the Chairperson or Vice-Chairperson of the Tenant Representative Group by the Panel.
- the Panel will attempt to work in partnership with EDDC, whilst retaining their independence and a neutral stance.
- The Panel will also seek constructive relationships with local councilors and MPs.

2. Remits and Powers

(The following section will only become relevant after the Housing Review Board has approved the recommendations concerning the Panel's role within the Housing Service and the Board's recommendations have been taken to Cabinet for Council approval).

- 2.1.** the Panel has been recognized and approved by EDDC, to act as a Designated Tenant Panel for the purposes of referring complaints to the Ombudsman. The formation of the Panel was discussed and agreed with the EDDC tenants. EDDC's Panel is listed on the Ombudsman's Register of Tenant panels.
- 2.2. Panel's formal legal power is to refer complaints to the Ombudsman, which it will do in the following circumstances :**
- the Panel considers that a complaint cannot be resolved locally and considers there is merit in referring the complaint to the Ombudsman and,
 - the complaint falls within the Ombudsman's remit and,
 - EDDC's complaints procedure has been exhausted and,
 - the Complainant requests the complaint be forwarded to the Ombudsman.

- 2.3. The Panel will also use its powers of influence and persuasion to make recommendations and suggestions to the Landlord regarding changes to the Landlord's service that may prevent complaints arising, and regarding how complaints are dealt with in the Landlord.
- 2.4. The Panel will negotiate with the Landlord regarding how it may be involved in complaints handling at earlier stages of complaints, although the Panel does not adopt its formal "designated" status until a complaint has exhausted the Landlord's complaints procedure.
- 2.5. The Panel will be publicised and accessible to all tenants of EDDC. The Panel will respond to all enquiries from tenants
- 2.6. The Panel will respond to all enquiries from tenants, with a view to resolving problems and issues at the earliest possible occasion working in partnership with the Landlord.

3 Delegated Authority.

- 3.1. For the avoidance of doubt, the Panel has **No Delegated Authority and No Decision-Making Powers** in relation to EDDC. The Panel will enable discussion between it and Landlord staff regarding complaints issues, who may have delegated authority to implement changes, or who will refer decision-making matters to the level within the Landlord where delegated authority rests.
- 3.2. If a particular service area is repeatedly the source of the Formal Complaints coming to the Panel, the members must report this to the Head of Housing.
Concerns will also be reported to the relevant Service Review Group or to the Chairperson or Vice-Chairperson of the Tenant Representative Group by the Panel.
- 3.3. EDDC will identify a staff member who will provide support to the panel and who will be responsible for EDDC's liaison with the Panel and for helping to refer Formal Complaints that have exhausted the Council's Complaints Procedure.

4. Membership of the Panel

- 4.1. the Panel will be made up of (8) members, who have been assembled after consultation with the tenant community.
- Future members of the Panel will be selected through a recruitment process to be agreed by the Panel.

Further items to be agreed are:

- 4.2. the Panel may choose, having first consulted the views of EDDC, to co-opt up to (2) additional members who may bring particular skills or qualities to the Panel. Co-opted members may or may not be EDDC tenants. In agreeing to a co-option, the Panel will clearly identify the reasons for the co-option and will choose whether the co-opted shall have voting rights within the Panel meetings. Co-options will be reviewed on an annual basis, by the Panel.
- 4.3. Panel members will normally serve for a (3) year period with recruitments staggered over the period to preserve continuity. The initial recruitment process will determine the length of time initial members shall serve. At the end of the period of office, Panel members may apply to be recruited again but Panel members may only serve a maximum of a (9 year) period.
- 4.4. The panel will elect a Chair and Vice-Chair from amongst its members. It (may / may not) choose to elect a co-optee in either role.
- 4.5. The staff member identified to support the Panel will ensure secretarial and other servicing functions for the panel. The Panel will have discrete contact arrangements, which EDDC will publicize to the tenant constituency. A protocol will be drawn up to govern how tenants enquires will be received, handled and recorded, through these contacts.
- 4.6. EDDC will agree a programme of training and development needs with the Panel. They will ensure a periodical review of individual and group performance.
- 4.7. The Panel and EDDC will agree to a quality control system, whereby the views of tenants who have made use of the Panel, EDDC staff members involved with the Panel, in Complaints Handling and any other relevant people, be assessed.
- 4.8. The panel will agree with EDDC how it will periodically publicise its work to the tenant community.

5. Panel meetings

- 5.1. General meetings of the Panel will be held (Quarterly). Complaints meetings will be held as and when requested. Extraordinary meetings may be called at the discretion of the Chair, or Vice-Chair in their absence.
- 5.2. These Panel meetings may be used to focus on the Panel's :- Strategies, Policies or for an overview of their work. They may also be used to review cases (only when there are no observers present) to look at ways they can improve their decision making skills.

- 5.3. Agendas will be set by the Chair, working with the Vice-Chair.
- 5.4. The quorum for Panel meetings shall be (5) members. Co-opted members (may or may not) count toward the quorum.
- 5.5. Non-Panel members and observers may be invited to attend General Panel meetings, at the discretion of the Chair.

6. Minutes of Panel Meetings

- 6.1. Minutes of Panel meetings shall be taken by an appointed member of staff or Panel member. The minutes to be confirmed at each subsequent meeting as a true record and signed by the Panel Chair.

7. Code of Conduct and Other Issues

- 7.1. Panel and co-opted members shall be subject to the Panel Code of Conduct, particularly in relation to Confidentiality. The Code of Conduct specifies what action will be taken where a Panel member breaches the Code.
- 7.2. The Panel shall ensure it operates in accordance with **Legislation and EDDC's Data Protection Policy**.
- 7.3. The Panel will be indemnified (insured) through EDDC's insurance policy.

DESIGNATED TENANT COMPLAINT PANEL

CODE OF CONDUCT

1. When representing the tenants of East Devon at council meetings, or while taking part in any other business connected to the work of the Designated Tenant Complaint Panel (the Panel), members should remember:-

- 1.1 That all confidential papers given to the Panel are returned to the appointed Council staff member at the end of the meeting.
- 1.2 To ensure that they come properly prepared for the meeting, with all the relevant guidelines to help make an informed judgement.
- 1.3 The Chair or Vice Chair will be responsible for running the meeting. If neither is present, the group will elect a chair for the meeting.
- 1.4 To be courteous to each other and treat every member with respect.
- 1.5 To speak one at a time and through the Chair.
- 1.6 To allow each other the opportunity to speak and comment without interruption.
- 1.7 The purpose of the meeting is to benefit tenants in general and is not an opportunity for you to raise matters, which concern you personally.
- 1.8 To respect members confidentiality, whether present or not, and refrain from mentioning specific cases which may cause embarrassment to an individual or reveal their identity.
- 1.9 To support other members in seeking the best possible solution to the issue being discussed.
- 1.10 The Panel's final decision should be upheld and supported by all members outside the meeting.
- 1.11 To uphold the Terms of Reference of the Designated Tenant Complaint Panel (DTCP.)
- 1.12 Not to abuse their position on the DTCP and not to expect preferential treatment from staff because of their membership of the group.

2. While attending Conferences or Training Courses members are asked to remember:-

- 2.1 They are representing the tenants of East Devon District Council and should therefore conduct themselves in a reasonable manner.

They should not disclose any confidential information, which they may be aware of due to their membership of the DTCP. All Panel members and co-opted members are bound by a legal duty to protect confidential information that they may come into contact with during the course of their work. The confidentiality of information held about living, identifiable individuals must be upheld, and the Human Rights Act 1998 and Data Protection Act 1998 complied with. Failure to do so will be classed as gross misconduct.

- 2.2 If a member has accepted a place at a conference or on a training course for which there is a fee and they subsequently find they are unable to attend, they must give sufficient notice (5 working days) to enable the place to be allocated to another member. Should the member fail to give sufficient notice that they cannot attend, they will be deemed ineligible to attend conferences or training courses for a period of one year. In the event of sickness preventing a member from attending, it may be necessary to request a medical certificate.

3. Breach of the Code of Conduct

- 3.1 Any member who does not uphold the constitution or abide by the Code of Conduct should have their membership reviewed by a convened group comprising of 3 tenants and 1 officer. This group will be selected at random, to examine each new case of reported breach of the Code of Conduct.

If it is decided the Code of Conduct has been breached the following will apply:

1st offence – verbal warning

2nd offence – written warning

3rd offence – Membership of the DTCP will be withdrawn for a minimum of 3 years

In the case of PROVEN GROSS MISCONDUCT such as breach of confidentiality or theft or dishonesty, there will be an immediate withdrawal of membership.

4. Grievance Complaint

- 4.1 If any member of the DTCP feels that they have been treated unfairly, they have the right to appeal to a specially convened Grievance Review Group comprising of 3 DTCP members and 1 officer. The 3 DTCP members will be selected at random from the DTCP.
- 4.2 The decision of the Grievance Review Group is final.

5. Complaint against a staff member of East Devon District Council or contractor

- 5.1 Any complaint about a member of staff or contractor must be reported to the relevant Service Manager within 24 hours or as soon as reasonably practicable thereafter.
- 5.2 The complaint must be reported and must be accompanied by relevant information such as date, time and name of officer or section.

Agenda Item: 11

Housing Review Board

9 May 2013

jg



Community Harm Statement

Summary

The Community Harm Statement (CHS) is a tool to help social landlords highlight the impact of, and harm caused by, anti-social behaviour (ASB) on a community. A Community Harm Statement may help in summarising evidence of ASB and demonstrating the negative impact on a community.

The statement has been piloted in a number of areas and is being accepted in court in proceedings to tackle ASB.

Recommendation

To trial the use of Community Harm Statements where we are investigating anti social behaviour impacting on communities.

a) Reasons for Recommendation

To strengthen our evidence in dealing with ASB and achieve successful outcomes.

b) Alternative Options

Not to use the Community Harm Statement approach to ASB.

c) Risk Considerations

That use of the Community Harm Statement detracts from the evidence of ASB.

d) Policy and Budgetary Considerations

These are as set out in the report.

e) Date for Review of Decision

After the approach has been used several times and lessons have been learnt.

1 Background

- 1.1 The Community Harm Statement – is a new tool that will enable landlords to highlight the harmful impact of anti social behaviour (ASB) on a community, and not just the individual, when taking legal action and ensuring that evidence is presented to the court in a consistent manner.

- 1.2 The idea behind the statement is to assist landlords present a stronger case in court by enabling them to exhibit the impact of anti-social behaviour on the entire community, not just individuals.
- 1.3 The tool launched last year and developed by the sector with Government funding, has been piloted by 11 landlords across the country, and has already proved successful in a number of court cases where it has been vital in assessing the harmful impact of anti-social behaviour.
- 1.4 The Community Harm Statement is an industry leading document that will be useful for social landlords to adopt as part of their toolkit for tackling ASB. It has been designed to help social landlords when they take legal action on ASB to present evidence to the court in a consistent manner, and in a way that properly captures the impact not only on individuals but also the wider community. As such it is an opportunity to give communities a stronger voice in the judicial process.
- 1.5 Extreme cases of ASB have such a detrimental effect on communities, the use of this statement in certain cases as part of our evidence will enhance our chances of success.

2. Guidance on using the Community Harm Statement

- 2.1 The Chartered Institute of Housing (CIH) has published a useful guide which is included at **annex 1**.
- 2.2 It is proposed that when we are dealing with the more extreme cases of ASB that is impacting adversely on a community, we use this process as part of our assessment of the impact and as evidence in court.
- 2.3 It is unlikely that Community Harm Statements will add very much to neighbour disputes where just one neighbour is affected by ASB, but there are circumstances where vandalism, noise, and/or violence can have a harmful impact on a significant number of people in the vicinity.
- 2.4 We have used the process on one recent occasion and an anonymised version of our statement used at the time is reproduced in **annex 2**.
- 2.5 I propose that we follow the advice and guidance, produce a short and clear statement that summarises the issues, provides a profile of the community, and explains how the ASB is impacting on the wider community and the harm caused, in circumstances where we feel a Community Harm Statement will add to the evidence.

Legal Implications

Legal Services will work with Estates Management to ensure there is a robust procedure in place to maximise the use of the CHS as a tool against ASB.

Financial Implications

No financial implications have been identified.

Consultation on Reports to the Cabinet

None.

Background Papers

- [How to use the Community Harm Statement – Chartered Institute of Housing.](#)

John Golding
Head of Housing

Housing Review Board
9 May 2013



How to...

*use the Community Harm
Statement*

Sponsored by



WHITEHEADS



How to... use the Community Harm Statement

1 The Community Harm Statement (CHS) is a new tool to help social landlords highlight the impact of, and harm caused by, anti-social behaviour (ASB) on a community.

It was developed by CIH, at the request of the Department for Communities and Local Government, with active input from a steering group of Kettering Borough Council, other social landlords, the Social Landlords Crime and Nuisance Group, the Police and a legal advisor. Following a successful pilot phase involving 11 social landlords, the CHS and supporting guidance was launched in March 2012.

What is the CHS?

The CHS helps social landlords taking legal action on ASB to present evidence to the court in a clear, consistent way which captures the impact of ASB on individuals as well as the harm it is causing to the wider community. The CHS:

- 'sets the scene' for the court, concisely summarising the key features and evidence of a case – placed on top of the court bundle, it will be the first thing the Judge sees
- supports a balanced, proportionate approach – it sets out the harm to the victim and the community alongside the perpetrator's human rights
- is voluntary – but it is recommended good practice and, by using it, you demonstrate that your organisation is acting reasonably
- is primarily for social landlords but partners will play a part in completing it
- encourages consistency and strong ASB case management - using the CHS effectively could streamline cases and make the evidence you gather more effective.

How can the CHS help you to deal with ASB?

Not only can the CHS assist landlords in preparing and presenting cases to court, but it also has a range of other uses. The CHS can be used:

- in legal proceedings of all kinds. In the pilot phase it was used in actions for possession, tenancy demotions, ASBOs, ASB injunctions, crack house closures and the review of starter/introductory tenancies
- to draw up acceptable behaviour contracts
- to make an internal business case, for example, for investment in environmental improvements to design-out ASB
- to highlight hotspots to persuade partner agencies to cooperate or take action
- to make a case and provide an audit trail for 'sensitive lettings'
- to summarise issues for managers
- to provide legal advisors with an executive summary of the case – this will help you to get them on board
- as an aid to a robust internal case management processes
- to help staff to focus on the most important issues, particularly where cases are complex and/or drawn out over a long period

Possession proceedings and other legal action should be used as a last resort - the CHS will help you to summarise any previous attempts to resolve the matter or indeed show why the matter should go directly to court.

Looking to the future, the CHS will also aid:

- consistent, evidence-based decision making when the Community Trigger, which will force the Police to deal with ASB if five households in an area complain about another resident, comes into effect following a pilot in five areas during summer 2012
- presentation of comprehensive, well-evidenced bids for funding and resources to the new Police and Crime Commissioners which come into effect on 22 November 2012

Although existing tools and powers are likely to be overhauled in the next year or so, the CHS will be a tool that will endure. It will continue to provide you with a means of collating evidence to demonstrate the validity of your argument, whether this is to win in court, obtain funding for a community project or get the buy-in of your partners.

Action point

Before adopting the CHS, you need to amend your ASB policies and procedures to show that it is part of your approach and give examples of the kinds of situations in which you may use this tool. You may be open to challenge if you don't do this.

The key features of the CHS

The CHS is brief and to the point, summarising many pages of evidence in just two sides of A4. In practice, the CHS will probably be the first thing that the Judge will look at, so it needs to demonstrate an accurate and honest picture of what is really happening within a community. If used correctly, judges should, over time, become more confident in relying on your CHS but, until then, it is your job to convince them of the value of the statement.

The CHS:

- begins with a short, focused **summary of the ASB**:
 - what, where, when, who and how
 - the detail sitting behind it will be in the court bundle, which is cross-referenced in the CHS for ease of reference
- sets out **background information**:
 - the local community and range of people affected. For example, sheltered housing residents, young families, businesses, and schools
 - how the supporting information was gathered, for example, case conference, ASB forum, interviews and meetings with residents
- sets out the **profile of the wider community**:
 - the types of accommodation in the area
 - the demographic profile of the surrounding area
 - a photo or small location map could be helpfully included

- summarises **the harm caused**:
 - including impacts such as the effect on people's health, sleep lost, absence from work, unlettable neighbouring homes, unwillingness of postal and delivery staff to visit, and professionals only visiting in pairs
 - physical damage
 - numbers of households/ people affected, the frequency and time-frames of incidents
 - the findings of any resident perception surveys carried out
 - the overall blight of the area
- highlights the impact on **community resources**:
 - the costs of extra patrols/ security measures and remedying damage
 - cost to partners, for example, repeated call-outs to the Police
 - void rent loss
- is counter-signed by senior officer, giving the added assurance of thoroughness and accountability.

Learning from others - how landlords used the CHS during the pilot phase

Tor Homes used the CHS to support its application for possession in a complex and very serious ASB case. The CHS was particularly useful in demonstrating the huge impact that the household's behaviour was having on the community, drawing specific reference to an earlier meeting with 24 residents who had been victims of serious crime and anti-social behaviour connected to our tenant. This behaviour included assaults, reports of weapons and burglary. The CHS highlighted the risk of serious harm drawing reference to cases such as Pilkington and Askew. The impact of the CHS and evidence provided by witnesses was such that at the first hearing the District Judge awarded Tor Homes immediate possession of the property. In this case, the CHS was one of only several documents submitted for the first hearing and was particularly powerful in balancing the needs of one family against the wider needs of a community.

The CHS helped **Stockport Homes** to show the impact and harm caused by a tenant, her partner, her son and others congregating in a recreational area on a close to drink alcohol, leading to drunken fights, arguments and noise with 78 separate incidents reported to the Police over a 12 month period. The majority of residents were elderly and vulnerable and, fearing reprisals, they did not wish to give evidence or provide statements. The site was made up of 50 flats in a two storey building with shared walkways and communal entrances and every flat had a view of the close. The CHS highlighted the demographic profile of the surrounding community, the impact of the behaviour and the significant demands placed on Police time. Stockport Homes applied for and was granted three ASB injunctions against the tenant, her partner and son, with powers of arrest on applicable clauses.

Community Gateway constructed a CHS to help a review panel to reach a decision following a tenant's appeal against a section 21 notice. The tenant was alcohol dependant and reports of ASB had been received from victims in the immediate vicinity of his property and around his partner's address. A door-knocking exercise was undertaken in and around the reported problem areas and some secondary victims who had not complained to Community Gateway gave their account of how the perpetrator's action had affected their lives. A copy of the CHS was given to the perpetrator who indicated that it had a big impact on him, due to quotes from residents which showed how his actions had affected so many people. He agreed to participate in a restorative justice conference where he apologised to his neighbours. Community Gateway have now obtained an 18 month Suspended Possession Order and the complainants have reported a marked improvement in the situation.

Achieving success in court – top tips from a legal perspective

Keep it simple	The CHS needs to be a concise summary - the main body of information will be in your witness statements and evidence. Also, the CHS on its own is not evidence – it's a summary of your evidence
High quality evidence	The CHS is only part of your evidence and will hold little value if your statements and other information are not up to scratch
Highlight the most emotive issues	The CHS should be a powerful document that demonstrates the real issues affecting real people's lives
Honesty is the best policy	Be honest about the impact that any behaviours are having. Any exaggeration will not be looked on favourably by the court and future CHS submissions may be ignored
Policies and procedures	Make sure your policies and procedures are up to date. Failure to do this may mean you get challenged in court
Cross-reference	The CHS needs to tell the Judge where further details on each point can be found within the evidence itself. Don't put anything in the CHS which isn't evidenced in the court bundle
Be consistent	If you're going to use the CHS, you need to make sure that it is used in the same way every time so it helps you deliver a strong ASB service – clear guidance and staff training are important here
Use maps	The use of street or area maps gives the court a visual image as to the location of the problems and proximity to the victims' and witnesses' homes, local businesses and schools which may be affected by the ASB. However, ensure that the map is easy to read and not fussy or too complicated and provide a clear key

Source: Whitehead Solicitors

Learning from others - how landlords used the CHS during the pilot phase

Kettering Borough Council used the CHS to agree and support a multi-agency response to problems in four blocks of flats. It compiled and presented the CHS to the Kettering Multi-Agency ASB Steering Group which agreed that a joint response by the Police and the Council was needed to deal with the issues raised. Secure doors and increased lighting had already been fitted in the blocks and Housing Services and the Police visited all tenants to gather feedback on the improvements, discuss their individual tenancy issues and ask for suggestions for further environmental improvements. Tenants were positive about the improvements but felt that security could be further increased by erecting gates to close off the rear of the blocks. They also felt that the condition of communal stairwells was poor and in need of refurbishment. This feedback was used to make a business case for a £300k capital programme to refurbish the blocks.

Getting your evidence right – top tips

The CHS isn't a 'cure all' solution. You need to make sure that your practices for gathering and collating evidence are robust and up to date. This means that you must:

- make sure your staff are trained to deal with ASB complaints
- ensure ASB complaints are recorded accurately and dealt with quickly and efficiently by the correct team
- choose the right ASB tool for the job
- engage with other agencies if this will be of benefit
- remember quality of evidence not necessarily quantity, the best evidence is the eye witness attending court, so look after your witnesses
- to ensure high quality and reliable evidence, explain to witnesses the importance of detailed record keeping and show how to record incidents. Support them and also provide different methods of recording if diary sheets are difficult to use
- manage the expectations of complainants and the community as a whole
- check the facts and collate effective witness statements
- keep people up to date – if you lose witnesses' support, it can affect your case
- make sure there are no vulnerability issues
- follow your policies and procedures
- react quickly if there are risks to people or property
- appropriately publicise good results to send clear messages to potential perpetrators and provide confidence to the community that action will be taken
- immediately seek advice if you encounter a problem that may affect the case.

Source: Whitehead Solicitors

Who to contact for advice on using the CHS

Several organisations piloted the CHS in 2011 and, having fully adopted the approach, are now 'champions' which you can contact with your queries about how they implemented it.

- Kettering Borough Council: Anne-Marie Loughran 01536 534287
annemarieloughran@kettering.gov.uk
- Sovereign Housing: Vicky Newbert 01635 572115 vicky.newbert@sovereign.org.uk
- Viridian Housing: Alex Wrigley 0203 202 3637 alex.wrigley@viridianhousing.org.uk
- Helena Partnerships: Joy Wilson 01744 675706 Joy.Wilson@HelenaPartnerships.co.uk
- Solihull Community Housing: Sherry Studholme 0121 779 8853
sstudholme@solihullcommunityhousing.org.uk
- South Essex Homes/SMAART: Anita McGinley 01702 423504 anitamcginley@seh.southend.gov.uk
- Stockport Homes: Claire Wakefield 0161 474 4403 claire.wakefield@stockporthomes.org
- Tor Homes: Julie Bingham 01392 814584 Julie.Bingham@dchgroup.com
- Gloucester City Homes: Victoria King-Lowe 01452 424344 Victoria.King-Lowe@gloscityhomes.co.uk
- Taunton Deane Borough Council: John Hart 01823 356332 john.hart@tauntondeane.gov.uk
- Community Gateway: Sue Roach 01772 268101 sue.roach@communitygateway.co.uk

For further information and case studies from the pilots please visit CIH's free ASB practice hub:
www.practicehub.cih.co.uk



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■ INJUNCTIONS ■ POSSESSION ■ DISREPAIR ■ ARREARS

■ HUMAN RIGHTS

■ SERVICE CHARGES ■ TENANCY MANAGEMENT ■ LEASEHOLD ■ TRAINING

RIGHT FIRST TIME, EVERY TIME

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Practice Management Standard
Law Society Accredited

T: 01257 266008
W: WWW.WHITEHEADSOLS.CO.UK
E: INFO@WHITEHEADSOLS.CO.UK

Useful resources and information

Community Harm Statement Guidance Notes

www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/Community_Harm_Statement

Community Harm Statement template

www.cih.org/resources/PDF/Policy%20free%20download%20pdfs/Community%20Harm%20Statement%20form%20with%20guidance.pdf

How to manage ASB cases effectively (December 2011)

www.cih.org/resources/PDF/Policy%20free%20download%20pdfs/How_to_Manage_ASB_cases_effectively.pdf

Respect ASB Charter for Housing sign-up form and further information

www.cih.org/RespectCharter

CIH practice brief - Respect: delivering the ASB Charter for Housing (September 2011) – CIH members have free access to this

www.cih.org/bookshop

Practice online: Tackling anti-social behaviour - CIH members have free access to this resource

www.cih.org/practiceonline

CIH now offers expert ASB training and consultancy tailored to your organisation's specific needs. To find out more about how we can support you to improve your ASB services, contact Chris Grose at chris.grose@cih.org or Tess Ash at tess.ash@cih.org

Chartered Institute of Housing

Octavia House
Westwood Way
Coventry CV4 8JP
Tel: 024 7685 1700

Community Harm Statement – annex 2

Case reference number

JM/611496

The Court will be aware that it has a specific statutory duty to consider the impact the anti-social behaviour has had, will have and may continue to have in the future, should it continue if an outright possession order not be granted. This statement is provided to assist the Court in making an assessment of those matters.

1. Summary of anti-social behaviour

- Assaults and fighting.
- A visitor lured to the address and attacked with a hammer.
- Verbal abuse.
- Offensive and obscene language directed towards neighbours by tenant and her visitors/family members.
- Threats to burn a complainant's property down.
- Misuse of alcohol and drugs on an almost daily basis.
- High risk of injury to residents of xxx all associated with one or more visitors.
- Reports of serious Anti-Social Behaviour (ASB) are reported as taking place at xxx on a regular basis at all hours of the day and night.
- Anti-Social Behaviour associated with people at this address in the xxx area as well as in xxx town centre.
- Three month closure order granted by Exeter Magistrates Court in October 2012, due to ongoing serious ASB. This judgement was upheld following an appeal at Exeter Crown Court in December 2012.
- Visitors to the address have been found in possession of banned substances by Police. Lots of visitors at all hours. Indicative of possible drug dealing.
- Tenant's son was evicted from a property in xxx in 2008 for serious Anti-Social Behaviour. He then moved into tenant's address.

Guidance

Consider including:

- what – types of ASB
- where – communal hallways, public spaces, photo etc
- when – times of day, duration, how often etc

2. Background information

This Community Harm Statement provides a summary of harm caused by the ASB of the defendant in the local community. This information has been received from...

- Four households who are prepared to sign a statement. Many other residents have confirmed there are problems associated with xxx, but are too afraid of reprisals to give evidence.
- A mixture of families and elderly and/or disabled residents. Some households have children. A mixture of social and privately owned housing.
- No ethnicity or religious mixes. All residents are white European.
- Tenant is a recovering heroin addict, as are her son and daughter who both reside with her. xxx is believed to have an alcohol dependency.
- Constant visitors to the address. Allegations of drug taking/dealing at the address.
- High level of Police resources. One of visitors to the address is currently in prison. Another is on bail and banned from visiting the address. Tenant is currently banned from the property as a result of the closure order which expires on 27th January 2013. There are real concerns amongst partner agencies and neighbours that if the tenant is permitted to return to her address the ASB will continue. Local Authority Estate Management Officer, Police Neighbourhood Beat Manager, PCSO and Council ASB co-ordinator all heavily involved. Huge negative impact on neighbouring families.
- Police Superintendent and Council Chief Executive have both been consulted due to seriousness of ASB.
- The case has been discussed at meetings of senior Council management, Police, Council ASB Officer and legal team. The case is also discussed on a monthly monitoring meeting between Estate Management Officers and legal team.

Consultation and conferencing:

The tenant concerned has been a tenant of East Devon District Council since 2007. There have been problems since 2008, but, until recently, these have been managed by both the Police and the Council.

An escalation in the problems over the last twelve months led to a recent premises closure order being granted a Notice of seeking Possession being served, and possession application being submitted.

Superintendent xxx of Devon and Cornwall Police, and xxx, Chief Executive of East Devon District Council have both been consulted on the matter.

Discussions have been held in accordance with joint agency working arrangements between Council Estate Manager, Council ASB Officer, Senior Managers and legal services on a regular basis, to provide a problem solving approach.

Residents of xxx were consulted by the Police.

Guidance

Consider including:

- number of households
- type of households e.g. young family, sheltered accommodation etc
- ethnicity/Religion
- local businesses e.g. local shops etc
- local agencies e.g. police, social services, YOTs etc
- schools

Consider including:

- case conference
- ASB forums
- community safety meetings
- individual interviews
- resident meetings

<p>This information has been collected by....</p> <p>xxx. East Devon District Council xxx. Anti-Social Behaviour co-ordinator. East Devon District Council. xxx. PCSO. Devon and Cornwall Police xxx. Neighbourhood Beat Manager. Devon and Cornwall Police East Devon District Council.</p>	
---	--

3. Community profile

<p>Map of xxx, xxx attached. Photographs of xxx xxx attached.</p> <ul style="list-style-type: none"> • xxx is a large estate made up of a mix of privately owned and social housing in xxx. There are average levels of crime. • The property is a ground floor one bed local authority flat providing “sheltered” accommodation for the occupant. • Local facilities are situated nearby at xxx. • Residents have lived in fear of tenant’s family for over four years. 	<p>Guidance Consider including:</p> <ul style="list-style-type: none"> • photographs • type of accommodation • household types • map • community facilities • local businesses • resident perceptions of ASB
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4. Harm caused to the community

<p>Focus on the harm caused as a result of the ASB.</p> <ul style="list-style-type: none"> • In individual witness statements residents mention they are unable to have their windows open for fear of crime and also to try and block the regular screaming, shouting and domestic incidents at xxx, that are full of obscene verbal abuse and threats. • Residents claim they are fearful of visitors to the address, including xxx and others. • People openly smoking cannabis in the front garden of xxx in full view of children and elderly neighbours. 	<p>Guidance Consider including:</p> <ul style="list-style-type: none"> • employment • physical Health • mental Health • school • businesses • transport • daily routines • family • friends • visitors • vulnerability • discrimination
---	---

- Residents describe their lives in what they say used to be a quiet, peaceful neighbourhood, as “Hell” since xxx moved in to xxx in March 2007.
- Since June 2012 the residents of xxx say that the situation has deteriorated.
- In October 2012 a three month closure order was granted against xxx. Since that time residents say that their lives have returned to normal.
- Residents fear xxx returning to the address when the closure order expires on 27th January 2013 as they feel that there will be a return of the ASB they have had to tolerate for five years.
- Three residents report receiving serious threats from the occupiers of xxx, including being threatened with a bladed object, being informed that their flat would be burned down and having food waste smeared up their front door following a phone call to the Council.
- Police attendance at xxx was on an almost daily basis up until the closure order in October 2012.
- The tenant’s daughter claims to be a victim of Domestic Violence, but admitted ringing the perpetrator of the violence and requesting that he attended the property in order to “sort out” a problem involving an ex-partner who was annoying her. The individual duly attended the property and attacked the other male with a hammer.
- A male rider of a motorcycle, which was reported as stolen from the Bristol area, regularly visited the property and would block a neighbour’s access by parking the motorcycle in the communal entrance path. He would then subject the neighbour to obscene and offensive abuse when challenged.
- A Notice of Seeking Possession in respect of ASB was served on 10th August 2012.

Allocations:

One tenant has been forced to move away from the area as a direct result of the problems associated with xxx and the effects of how dealing with the ASB affected her personal health.

General feelings within the community:

“We are unable to open our windows because of the appalling language”.

“This used to be a nice quiet area until she moved in”.

“I don’t like to go out in case I meet them in the street”

An anonymous letter dated xxx was received shortly after the closure order was granted. The letter thanked the Council for ridding the area of tenants who had “Made my life hell for so long with their dreadful language, fighting, comings and goings and for leaving their rubbish in the alleyway”.

Other services:

Discussed at regular ASB meetings

Consultation at Chief Executive and Police Superintendent level.

- disability
- racism
- community tension
- physical damage/vandalism
- resource implications/service provision
- sustainable communities – lettings, allocations etc.

Resource Implications:

Constant Police attendance at xxx.

Numerous complaints to East Devon District Council.

Since 2010 there have been 35 pieces of intelligence regarding xxx (tenant's son) on the Police computer. The incidents mainly relate to drug intelligence and his associations with known drug dealers.

Since November 2002 there have been 106 pieces of intelligence relating to xxx (tenant's daughter). These mainly refer to drug intelligence and her associations with known drug dealers and users.

Since November 2002 there have been 19 pieces of intelligence relating to xxx (Tenant). The incidents refer to either drug intelligence or Anti-Social Behaviour.

5. Impact on community resources

- There are witness statements from Police Officers, the Estate Management Officer, the Anti-Social Behaviour Co-ordinator, the Council Mobile Support Officer (Warden) as well as statements from four immediate neighbours of xxx.
- The Anti-Social Behaviour co-ordinator for East Devon District Council is funded by the District Council, but much of his work is done on behalf of the East and Mid Devon Community Safety Partnership.
- East Devon District Council own the majority of homes in xxx xxx and have received numerous complaints in respect of Anti-Social Behaviour connected to xxx. However, I am also aware that there are many other residents who are too afraid to speak out in relation to the problems referred to in this statement, for fear of reprisal.
- Two individuals connected to the problems are either currently in jail, or are subject to bail conditions banning them from the area. However, residents fear that when those concerned are either released from prison or no longer subject to bail conditions, the problems will return.
- Residents fear that when the closure order expires on 27th January 2013, there will be a return to the problems that they have had to endure for the last five years.

Guidance

Consider including:

- Local police data e.g. number of call outs
- Local crime statistics - www.police.uk
- Complaints reported to landlord
- Community Safety Partnership information

I believe that the facts stated in the Community Harm Statement are true.

Signed (Insert title):	Estate Management Officer	Senior officer (Insert title):	
Print name:	xxx	Print name:	
Date	2 nd January 2013	Date	

Agenda Item: 12

Housing Review Board

9 May 2013

jg



Targeted Families Initiative – progress report

Summary

This report outlines progress on the Targeted Families initiative across Devon and locally in Exmouth. It reminds Members of the principles and direction of the programme and considers how preparations for year two are progressing.

There is some general information on the Exmouth element of the programme and some of the early issues being confronted.

Recommendation

To note the progress being made in relation to the Target Families Initiative

a) Reasons for Recommendation

To ensure that the programme outcomes are achieved and the lives of troubled families are improved.

b) Alternative Options

A structured programme has been devised for the County in accordance with Government guidelines.

c) Risk Considerations

That the programme fails to achieve the stated objectives and outcomes.

d) Policy and Budgetary Considerations

These are set out in the report.

e) Date for Review of Decision

An annual review is proposed.

1 Background

- 1.1 The Troubled Families initiative has been rebranded in Devon as Targeted Family Support. Considerable effort is being put into making this programme a success.



1.2 National Context: A reminder - The Troubled Families' Programme, which provides the framework for the Targeted Family Support (TFS) Programme:

- Is a 3 year programme (2012–2015) driven by the Department of Communities and Local Government (DCLG) with sign up from chief executives from top tier local authorities, which seeks to 'turn around' the lives of 120,000 'troubled families' nationally.
- Is a three year payment by results (PBR) programme funded via a combination of an up-front attachment fee and retrospective payment by results against pre-set performance indicators around crime and anti-social behaviour, children missing education and worklessness.

1.3 The national Troubled Families Unit has produced documentation to inform the implementation of the programme:

- The Financial Framework
- Listening to Troubled Families
- Working with Troubled Families
- The Cost of Troubled Families.

Devon has incorporated the national requirements and guidance into its implementation model. A useful Devon Toolkit has been produced for those involved in the programme.

1.4 The Troubled Families Programme is a Government programme intended to improve outcomes for families that have been identified as having complex needs and poor outcomes with regard to:

- adults being in work
- involvement in crime or anti-social behaviour
- children not accessing education

and seeks to:

- get children back in the classroom
- get parents into work
- reduce crime and anti-social behaviour
- reduce the public costs associated with these families.

1.5 Top-tier Local Authorities hold responsibility for managing local Troubled Families Programmes. The Government's expectation is that statutory and 3rd sector partners will work together to form true partnership approaches to identify families, plan and deliver interventions, and monitor progress.

1.6 Appropriate sharing of information will be an essential cornerstone to success of the project in Devon. Information will need to be shared in order to:

- Identify families

- Support interventions with families
- Measure the success of interventions

1.7 An agreement has been developed which is intended to facilitate the sharing of data appropriately for the purposes of the Devon Troubled Families Programme (and that Programme only) within the legal framework and according to good practice. The Working Practice Agreement for the sharing of information on the Targeted Family Support programme has been drawn up for all partners to sign and agree rules on the sharing of sensitive information. A Huddle has also been created where partners can access information through a secure portal.

2. Local Context – Devon and Exmouth

2.1 DCLG estimates that there are 1370 troubled families in Devon, with an associated cost to the taxpayer of £102 m.

Devon has committed to work with 300 families in year one.

Planning for the programme built on the principles established by partners when Devon was considering its approach to community budgets for families with complex needs.

Preparation and planning took place from March to September and implementation started in earnest in October 2012.

Devon's response in year one was to establish 7 locality 'start-up' areas (based on the geography of learning communities) to deliver the programme at a local level. Locality infrastructure consists of:

- A multi-agency management group
- A multi –agency practitioner group
- A local co-ordinator

2.2 A Devon County Council team and an infrastructure to put frameworks and support around the operation of the TFS programme are now largely in place.

Key elements of the infrastructure are:

- The iterative family identification process
- A performance management framework
- An information sharing tool

2.3 A cost benefits framework is being developed to supplement the existing performance management framework. Devon received £800,000 in the form of a year one attachment fee.

2.4 The area selected in East Devon for programme start up was Exmouth which has the highest concentration of Troubled/Targeted Families. Unfortunately we got off to a slow start because some agencies had not fully committed to the programme.

2.5 Key workers have now been allocated to 15 families on the list and the key workers are in the process of contacting the families to get their permission to work with them and get the necessary disclosure forms signed. The next step and this will happen as soon as the above is completed, is a planning

meeting with practitioners to share the information they have about the families and agree actions etc. This will be arranged and chaired by Lola May the local programme Coordinator. Lola has been through a process of work shadowing and training prior to making contact with practitioners.

- 2.6 We have appointed the Coordinator for the local programme who started work at the beginning of April. We stepped in to make the appointment because partner agencies were reluctant to do so. The cost of the appointment is being borne by the programme and the officer is responsible to the local Practitioner Panel, but is line managed by our Tenants and Communities Section Leader.
- 2.7 The slow start is disappointing and to some extent this is a consequence of the approach of just handing over local arrangements to inexperienced (in relation to this programme) and often under-resourced practitioners.

3. Year two of the programme

- 3.1 The multi-agency Executive Leadership Group (ELG) and partner agencies have been preparing for rolling out year two of the programme and initially considered the challenges identified from Year One. I have made the point that in Exmouth we are only just starting to see progress with year one families.
- 3.2 Challenges are based on 5-6 months of delivery and are those identified at a review and planning workshop held on 1 February facilitated by the Institute of Public Care. An overarching challenge reflected at the review workshop was that of articulating a clear and compelling vision for the programme and setting priorities which are communicated across partners, with a commitment to meet them.
- 3.3 Underneath that three specific challenges were identified:

The challenge of integration - A clear strategy and approach to the level of integration of services needs to be developed – currently localities are operating a ‘co-ordinated services’ approach which has been valuable but may not secure the longer term improvements in service efficiency and effectiveness needed.

The challenge of co-ordination - The question of the extent to which individual localities should be free to develop local arrangements and practices, as opposed to working within a co-ordinated approach across the county was much discussed. A strong impression was that the limitations of a very localised approach were being recognised and there was enthusiasm to work in a much more consistent way across the county. However, the challenge in this context is not to lose progress made to date in localities.

The challenge of intervention method - It was not clear that the interventions being developed in each locality were based on a clear evidence base or best practice. The programme has not been directive about the intervention models needed (outside of the evidence based critical success factors) in localities in the first stage of the programme, but now was perhaps the time where this needed to be made much more explicit and centrally driven.

Proposed Vision

For families

- *That families have one key worker to work alongside them, and one plan to improve outcomes for them.*

For system and practice

- *A system that can and does consider the family as a whole, and practice which responds to the family in ways which can be evidenced to make a difference.*

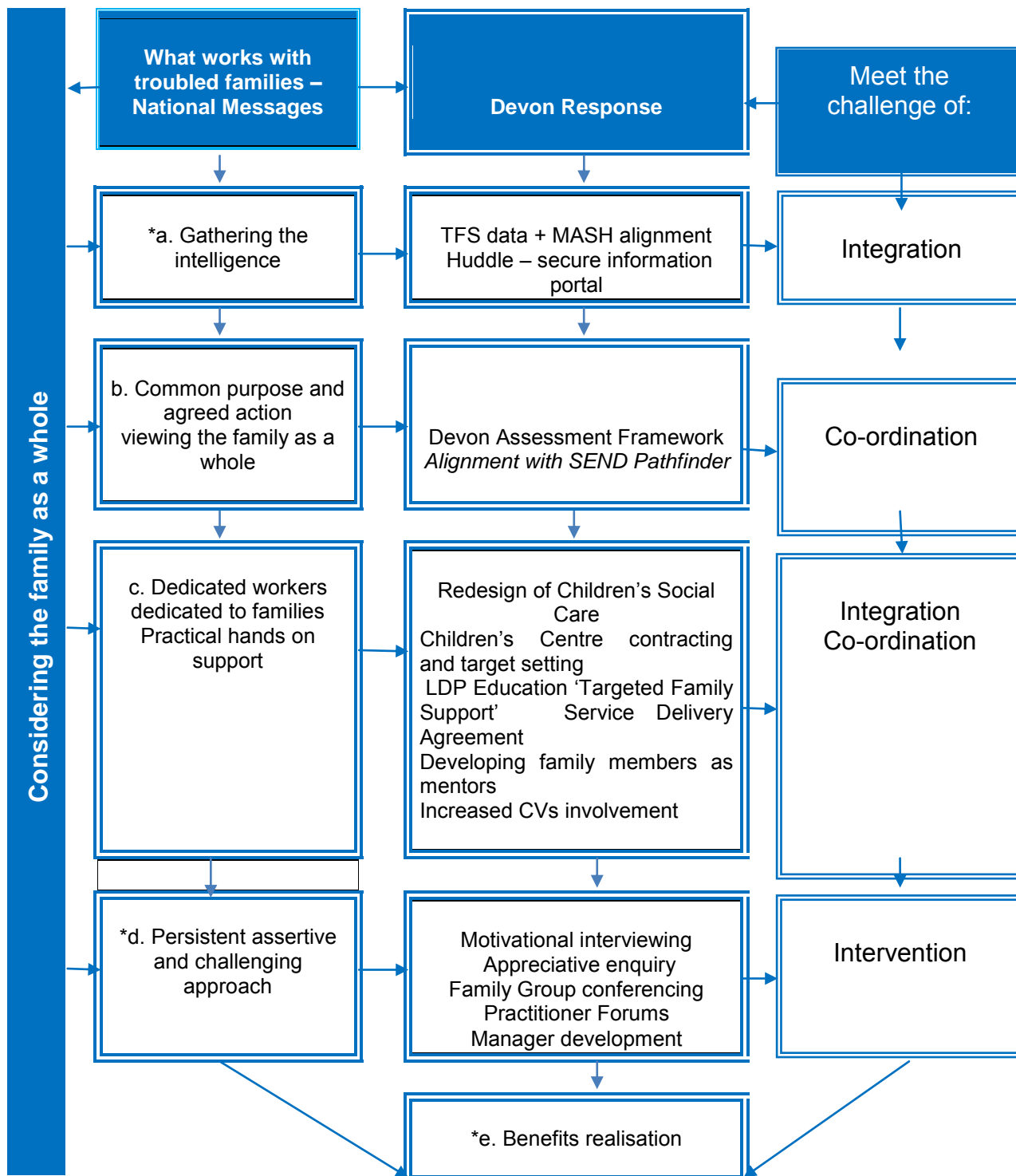
For cost

- *To reduce the need for high cost specialist and reactive interventions*

Priorities

- To use the programme as a lever to drive sustainable improvements in providing services to families within organisations and collectively across partners.
- To roll out the programme across Devon in Year Two and engage the remainder of the whole cohort – 1070 families. *The level of success in drawing down payment by results is an indicator of the effectiveness of our engagement with families.*

Recommendations for Year two have been summarised in the diagram below by the ELG:



1. Successful roll out of the programme for year two will be the shared responsibility of ELG, communicated through local managers and practitioners, supporting, and being supported by, TFS coordinators and the TFS Team.
2. Local Roll out will be strengthened by the establishment of Task and Finish groups to take action, and make recommendations on 'what works' points, **a**, **d** and **e**.
- 3.4 We need to concentrate our efforts on the initial tranche of families that have been identified for this programme and achieve some successes. We must put our energies into practical interventions that make a difference to the lives of the families that we have chosen to work with. It is this and the outcomes that will be the measurement of our success.
- 3.5 Further progress reports will be presented with a greater focus on the work being undertaken with the selected families.

Legal Implications

There are no legal implications requiring comment at this stage.

Financial Implications

No financial implications are identified in the report as they have not been quantified at this stage but costs will mainly be in the form of staff time.

Consultation on Reports to the Cabinet

None.

Background Papers

- [Housing Review Board report 3 May 2012.](#)

John Golding
Head of Housing

Housing Review Board
9 May 2013

Agenda Item: 13

Housing Review Board

9 May 2013

JG/DB



Carbon Monoxide Alarms

Summary

This report sets out the existing policy on the provision of carbon monoxide alarms and on gas and solid fuel appliance maintenance and servicing. Currently Robert Heath Heating Ltd undertake the maintenance and servicing of gas appliances such as boilers in Council homes and Skinner Construction Ltd carry out the maintenance and servicing of solid fuel appliances that are the Council's responsibility. Carbon Monoxide alarms are not provided in every home where a gas appliance is maintained or serviced, however, in the case of solid fuel appliances, a carbon monoxide alarm is always provided. They normally last about 5 years and are replaced when required during the annual service.

Recommendation

Members are asked to note the report and endorse the approach adopted for the provision of carbon monoxide detectors.

a) Reasons for Recommendation

Members asked for a report on Carbon Monoxide alarms to be presented to a future meeting.

b) Alternative Options

Wider provision of carbon monoxide alarms than currently is the case.

c) Risk Considerations

The risks associated with carbon monoxide are explained in the report.

d) Policy and Budgetary Considerations

These matters are covered in the report.

Positive Impact Overall

Affordable Homes.

Excellent Customer Service.

Meeting our Diversity and Equality duties.

e) Date for Review of Decision

The decision to be reviewed when any updated guidance is issued.

1. Introduction

- 1.1 What is carbon monoxide? Carbon monoxide (CO) is a colourless, odourless, tasteless, poisonous gas produced by incomplete burning of carbon-based fuels, including gas, oil, wood and coal. Carbon-based fuels are safe to use. It is only when the fuel does not burn properly that excess CO is produced, which is poisonous. When CO enters the body, it prevents the blood from bringing oxygen to cells, tissues, and organs.
- 1.2 You can't see it, taste it or smell it but CO can kill quickly without warning. According to the Health and Safety Executive (HSE) every year around 11 people die from CO poisoning caused by gas appliances and flues that have not been properly installed, maintained or that are poorly ventilated. Levels that do not kill can cause serious harm to health if breathed in over a long period. In extreme cases paralysis and brain damage can be caused as a result of prolonged exposure to CO. Increasing public understanding of the risks of CO poisoning and taking sensible precautions could dramatically reduce this risk.
- 1.3 There are signs that you can look out for which indicate incomplete combustion is occurring and may result in the production of CO:
- Yellow or orange rather than blue flames (except fuel effect fires or flueless appliances which display this colour flame)
 - Soot or yellow/brown staining around or on appliances
 - Pilot lights that frequently blow out
 - Increased condensation inside windows
- 1.4 What are the symptoms of carbon monoxide poisoning? Early symptoms of carbon monoxide (CO) poisoning can mimic many common ailments and may easily be confused with food poisoning, viral infections, flu or simple tiredness. Symptoms to look out for include headaches or dizziness, breathlessness, nausea, loss of consciousness, tiredness, pains in the chest or stomach, erratic behaviour, and visual problems.
- 1.5 Anyone experiencing any of the above symptoms and believe they may have been exposed to carbon monoxide, should seek urgent medical advice from either their GP or an A&E department.
- 1.6 What to do if you think your appliance is spilling carbon monoxide?
- Call the National Gas Emergency Service on 0800 111 999
 - Switch off the appliance and shut off the gas supply at the meter control valve
 - Open all doors and windows to ventilate the room
 - Visit your GP and tell him/her that you believe you may have been exposed to carbon monoxide.
- 1.7 Carbon Monoxide can be produced by any combustion appliance, including those that burn fossil fuels e.g. oil, wood and coal. The Council is normally responsible for servicing and maintaining all gas and solid fuel heating systems. If a

tenant has one of these appliances in their home then they should ensure that the Council carries out an annual service by a competent person – we use Robert Heath Heating for gas appliances and Skinners Construction and MD Building Services for solid fuel maintenance and annual servicing.

- 1.8 Any fossil fuel combustion appliance requires a chimney and it is the tenant's responsibility to ensure it is regularly swept.

2. What Preventative Measures should a Landlord take?

- 2.1 The HSE gives strong guidance to landlords on their responsibilities regarding gas appliances in domestic premises. We have a legal duty to carry out annual gas safety check and servicing of gas appliances.
- 2.2 The Council has a contract with Robert Heath Heating Ltd (RHH) for the maintenance and servicing of gas appliances that are the responsibility of the Council.
- 2.3. We give advice to tenants in our Tenants Handbook, as follows:

Gas safety

Never use a gas appliance that you think may be dangerous (signs can include stains around the gas fire or boiler pilot light, or a yellow flame). Remember, gas appliances need fresh air to work properly. Sometimes air is provided by ventilators in doors, walls and windows. Always ensure that all ventilators are free and clear and not blocked or obstructed. Never sleep in a room containing an open flue back boiler. Never dry clothes over free standing gas heaters. Gas appliances need regular servicing if they are to work safely and efficiently.

Gas servicing

As a landlord, we have a statutory duty to undertake an annual safety inspection of gas appliances, flues and associated pipework that we are responsible for. This includes gas central heating and fixed gas fires (see below), but not gas ovens. We will give you reasonable notice of when our contractors will carry out this work. Please advise the gas servicing contractor if this time is not convenient to you so that they can arrange for an alternative visit. If you fail to give them access to the property you are in breach of your tenancy conditions. If you have had gas central heating or gas fires fitted at your own expense the work must have been carried out by a Gas Safe (previously CoRGi) registered installer and a gas installation certificate and safety certificate must be forwarded to us. We will take over the responsibility for maintaining these after any guarantee has run out.

Gas leaks

If you suspect a gas leak:

- turn off your gas supply at the meter
- do not smoke or use matches or a lighter
- do not use electrical switches (doorbells or light switches)
- open doors and windows to let the gas out
- call the National Gas Emergency Service on 0800 111 999 – do the same if you smell gas in the street.

Solid fuel safety

Do not draw a fire with a newspaper or use petrol, paraffin or any oil to start it. Sweep your chimney or flue at least once a year – if your fire is not burning as well as usual it may be a sign that your chimney needs sweeping. If you have an enclosed room heater or boiler, follow the manufacturer's instructions and brush the smoke outlet every month. Burn only the recommended fuels. Ensure there is adequate ventilation, and do not block or obstruct fresh air ventilators. Draught proofing helps cut fuel bills but do not seal off the air supply to the room in which the fire is located. Fumes may build up and cause you to become ill. When using a solid fuel or room heater for the first time each year checks that the chimney has been swept and that the chimney flue has not become obstructed. If you are concerned that the equipment is not working properly please let us know

3. Carbon Monoxide Detectors/Alarms

- 3.1 The HSE strongly recommends the use of audible carbon monoxide (CO) alarms as a useful back-up precaution, but they must not be regarded as a substitute for the proper installation and maintenance of gas appliances by a Gas Safe Registered engineer.
- 3.2 All CO alarms provided by our contractors comply with British Standard EN 50291 and carry a British or European approval mark, such as a Kitemark. CO alarms should be installed, checked and serviced in line with the manufacturer's instruction
- 3.3 Technical Bulletin 008 (Edition 3) refers to existing concealed room-sealed fanned-draught boiler chimney/flue systems in domestic premises. Gas Safe registered engineers need to be able to see the flue – which take fumes away from the boiler – as part of essential safety checks whenever the boiler is worked on. If the room-sealed boiler is situated on an outside wall, it is likely that the engineer can examine the entire flue. If this is the case, **a CO detector would not be required.**
- 3.4 However, in the event that the flue is contained within a void, access panels will be required on or within 1.5m of every join. **CO detectors would be required at the location of the boiler and in every room that the flue passes through.**
- 3.5 In the event of a room sealed fanned-draught boiler being installed within a bedroom or bedroom cupboard **a CO detector should be fitted** that conforms to BS EN 50291 and installed/located in accordance with the manufacturer's instructions or industry guidance.
- 3.6 Boilers/Gas fires served by lined chimneys/flues are normally open-flue and not of the room-sealed fan -draught type, so it is unlikely that the requirement for inspection hatches will apply. This is because open-flues can be checked in ways that room-sealed boilers cannot e.g. visual, flue flow and spillage testing to verify they are safe and working satisfactorily. **There is no legal requirement to fit CO detectors to rooms that contain open flue appliances.**
- 3.7 Every East Devon District Council property has an annual gas safety inspection and as such all gas appliances are checked for safe operation and further more ventilation is checked to ensure it is both adequate and correct for that

particular appliance. East Devon District Council is currently engaged in boiler/central heating replacement programmes and open flue appliances such as the Baxi Bermuda B/B/U are being targeted for replacement/upgrade.

- 3.8 When RHH are called to a property where a report of fumes has been made we would normally fit a CO detector as a matter of process even when the appliance is found safe so as to assure the resident all is safe.
- 3.9 Tenants are putting themselves and their household at risk if they block ventilation to a room that contains an open flue appliance. If the engineer finds this happening they will remove the obstruction and remind the tenant of the potential dangers of blocking ventilation and the need to keep it clear of any obstruction. Also, solid fuel Service Engineers returning to properties for maintenance or service reasons are finding CO alarms missing where they have previously been supplied. An article will be included in the Housing Matters newsletter annually warning tenants of the dangers of CO.
- 3.10 The vast majority of the CO detectors that we have installed are battery operated. In order to help overcome the problem of missing detectors and battery failure, we are instructing electricians to hard wire new CO detectors, in appropriate premises, when the electrical safety check is undertaken (all reported electrical faults/visits).
- 3.11 In summary, the Council does provide a CO alarm to every home that has a solid fuel appliance and heating system. Current practice is to provide a CO alarm where there is a concealed room-sealed fanned-draught boiler chimney/flue systems contained within a void and in every room that the flue travels through. Tenants may wish to provide their own alarm in properties where the Council as landlord is not providing an alarm.

Legal Implications

There is a robust procedure to obtain entry to tenanted property where any tenant has failed to allow our contractors into a property to service equipment. The Council will use 24 Notice (clause within the tenancy agreement) to obtain entry and/or obtain a court injunction.

There are no other legal comments.

Financial Implications

The cost of providing CO alarms has not been identified in the report. A total of £480,000 has been allowed in the 2013/14 budget for servicing of gas and solid fuel appliances and a further £800,000 for replacing gas boilers. These sums may also cover the cost of CO alarms.

Consultation on Reports to the Executive

Not applicable.

Background Papers

- [Guidance for Gas Safe Engineers Technical Bulletin 008 \(Edition 3\)](#)

Dennis Boobier
Housing Needs and Strategy Manager



Agenda Item: 14

Housing Review Board

9 May 2013

jg



Welfare Reform update

Summary

This report builds on our knowledge of the potential impact of Welfare Reform. Research has been undertaken on how social landlords are anticipating and preparing for changes that will impact on their tenants and therefore on Business Plans.

Recommendation

To continue to monitor the impact of Welfare Reform on tenants and the Housing Revenue Account Business Plan.

a) Reasons for Recommendation

To build on our knowledge and preparations for Welfare Reform.

b) Alternative Options

To ignore what other landlords are doing to anticipate and prepare for changes in welfare benefits.

c) Risk Considerations

That we have under or over estimated the impact of the changes and/or have not put suitable mitigation measures in place.

d) Policy and Budgetary Considerations

These are set out in the report and the Housing Revenue Account Business Plan.

e) Date for Review of Decision

Part way through the financial year 2013/14.

1 Background

- 1.1 We have been preparing for and considering the potential impact of Welfare Reform for some time including a detailed report to the January 2013 meeting of the Board.
- 1.2 Our Housing Revenue Account Business Plan has factored in the risks around Welfare Reform and expectations around the reduction in rent collection performance.

2. Research on Welfare Reform

- 2.1 The National Housing Federation and Chartered Institute of Housing have recently published a joint report on the impact of welfare reform on social landlords in the south west (**annex 1**) which usefully highlights how our peers anticipate the impacts and how others are preparing.
- 2.2 In many ways this report is reassuring in that we appear to have scoped the issue fully and putting in place measures to attempt to mitigate the worst affects of the reforms.
- 2.3 We understand the changes being made, have attempted to communicate these to tenants and offer support to those effected, adjusted our Business Plan, and it is now a time to monitor the impact. Where we see an impact on individuals we will intervene early in an attempt to work with tenants to manage their finances. We will use Discretionary Housing Benefit where appropriate.
- 2.4 We are also looking at the likely effect of Universal Credit and the move away from direct payment of benefit to the landlord. This will be the next challenge for us in relation to the Welfare Reforms being rolled out.
-

Legal Implications

There are no legal implications requiring comment.

Financial Implications

The financial implications are unknown at this stage but allowance has been made in the HRA budget for increased levels of bad debts. The situation will continue to be monitored.

Consultation on Reports to the Cabinet

None.

Background Papers

None.

John Golding
Head of Housing

Housing Review Board
9 May 2013

Impact of **welfare reform** on social landlords in the **south west**

A joint report from the
National Housing Federation and
Chartered Institute of Housing



**NATIONAL
HOUSING
FEDERATION**

Background

The Government is implementing a raft of changes to the benefit system. The size criteria for social housing will be introduced from April 2013 and the household benefit cap will be introduced in September. The new Universal Credit is due to be phased in between April 2013 and 2017.

The National Housing Federation and Chartered Institute of Housing South West have jointly undertaken this research to show how these reforms will impact on social landlords.

Housing associations, local authority landlords and arms-length management organisations across the south west provide over 315,000 social homes. A total of 54 social landlords with a presence in the region responded to this survey representing almost 162,000 social homes, just over 51% of the total housing stock.

Key findings

Almost all landlords say the introduction of direct payment of benefit to tenants, the size criteria regulations and the household benefit cap will have a substantial impact on the lives of residents and on their organisations. But more than half of associations (56%) and a third of local authority landlords (30%) worry that their tenants know hardly anything or nothing at all about the benefit changes, despite activities to raise awareness.

Of all the reforms, the introduction of direct payments to tenants is expected to have the biggest impact – 84% of housing associations and 100% of local authority landlords say it will affect their organisations a great deal or a fair amount. The size criteria is anticipated to have a significant impact for 59% of associations and 90% of local authority landlords.

Social landlords are facing the challenges of welfare reform head on. Almost 93% of social landlords have considered the risks and opportunities, with the vast majority taking action, and many embedding welfare reform into their business planning and strategy development.

Social landlords are increasing support for tenants as well as increasing resources to manage the anticipated increase in arrears. For example, almost 80% are providing extra money advice, and two thirds (64%) of associations and all of the local authority landlords surveyed are undertaking customer analysis to target under-occupiers with help.

Detailed Findings:

Anticipated impact of welfare reform

- 84% of housing associations and 100% of local authority landlords operating in the south west who responded say they will be affected either a great deal or a fair amount by introduction of direct payments to tenants
- 59% of housing associations and 90% of local authority landlords say they will be significantly affected by the size criteria whilst 36% of housing associations and 50% of local authority landlords say they will be significantly affected by the household benefit cap
- Housing associations operating in the South West on average anticipate a 56% increase in rent arrears following introduction of welfare reforms
- 25% of housing associations think it is likely that increased debt arising from the welfare reforms will make it harder to meet loan covenants
- 56% of south west associations think their tenants know hardly anything or nothing at all about the benefit changes, this compares to only 30% of local authority landlords

Potential impacts of the introduction of the size criteria

The new size criteria requirement has been referred to by commentators as a 'bedroom tax'. It will cut the amount of benefit that people can get if they are deemed to have a spare bedroom in their council or housing association home. This measure will apply from April 2013 to tenants of working age.

- 95% of associations operating in the south west and 80% of local authority landlords consider increased difficulty in rent collection likely following introduction of the size criteria
- 96% of associations and 90% of local authority landlords say a rise in the level of arrears is likely and 91% of associations and 80% of local authority landlords expect a fall in total rental income following introduction of the size criteria
- 80% of associations say a change in allocations policy relating to working age households on housing benefit is likely, whereas only 33% of local authority landlords anticipate this. 67% of associations and 33% of local authority landlords think a policy change is likely for those not on housing benefit.
- 4% of associations operating in the south west and involved in the Affordable Homes Programme believe that the introduction of the size criteria will make it a great deal harder to meet their commitments on delivery of new homes. 16% think it will not affect them at all.
- 41% of south west associations and 33% of local authority landlords have reported an increase in requests for a transfer from under-occupying households in the last six months

Potential impacts of the household benefit cap

The benefit cap puts an upper limit on the total benefits to which a single person or a couple is entitled. The cap will be set at the average (median) net earnings for a working household, £500 per week (£26k per annum) for couples and lone parents, and £350 per week for single people without children.

- 68% of associations operating in the South West consider increased difficulty in rent collection likely following introduction of the household benefit cap (compared to 63% of associations nationally).
- 59% expect a fall in total rental income following introduction of the household benefit cap (compared to 49% nationally).
- 34% say a change in allocations policy (eg to prioritize those affected by the cap for internal transfers) is likely (compared to 35% nationally)
- 8% of South West associations involved in the Affordable Homes Programme believe that the introduction of the household benefit cap will make it a great deal harder to meet their delivery commitments. 31% think it will not affect them at all.

Potential impacts of direct payment of benefit to tenants

The default position under Universal Credit is that claimants will receive any support for their housing costs directly, rather than having benefit paid direct to their landlord. Discussions are still underway on exceptions to this for vulnerable claimants and the design of a trigger to switch benefit payments to the landlord if a certain level of arrears has built up.

- 98% of associations operating in the south west and 100% of local authority landlords think they will have to provide more resources for things like money advice and arrears management following introduction of direct payments to tenants
- 97% of associations and 90% of local authority landlords think increased difficulty in rent collection is likely and 96% of associations and 100% of local authority landlords say a rise in the level of arrears is likely following introduction of direct payments to tenants
- 85% of associations and 100% of local authority landlords expect a fall in total rental income following introduction of direct payments to tenants

- 3% of south west associations involved in the Affordable Homes Programme believe that the introduction of direct payment to tenants will make it a great deal harder to meet their delivery commitments. 16% think it will not affect them at all.
- Associations operating in the south west on average estimate that 21% of their tenants are on housing benefit and do not have access to a bank account and direct debit facility

What social landlords are doing to prepare

- Almost 93% of social landlords have begun to look at the risks and opportunities of welfare reform, and almost 70% have started to take action.
- Associations operating in the South West are, on average, planning to spend c£51,840 each in 2013 to prepare for welfare reform. The highest amount spent in preparation by South West associations is £276,000.
- Local authority landlords are, on average, planning to spend c£39,000 each in 2013 to prepare for welfare reform. The highest amount spent by a local authority is c£75,000.
- Anticipated additional average spend in the year to April 2014 by housing associations is c£74,900 each. The highest amount of additional spend anticipated by South West associations is c£900,700.
- Anticipated additional average spend in the year to April 2014 by local authority landlords is c£36,666 each. The highest amount of additional spend anticipated by a local authority landlord is c£70,000.
- Almost 80% of social landlords are providing (or planning to) additional money advice and over half are undertaking (or planning to) customer analysis to identify and target under-occupiers with help.

The survey

The survey was undertaken in two parts. The survey of housing association was led by the Federation and undertaken by Ipsos MORI and the University of Cambridge. This was a national survey, broken down by region. A parallel survey was then undertaken by the Federation and CIH SW of local authority landlords and arms-length management organisations across the south west.

The surveys were undertaken over September to November 2012 and responses were received from:

- 44 housing associations with stock in the south west representing 77,373 homes
- 10 local authority and ALMO landlords with stock in the south west representing 84,573 homes

Conclusion

The National Housing Federation and the Chartered Institute of Housing are supporting their members to assess, prepare for and monitor the impacts of welfare reform. They are also working with Government on the policy implications and lobbying on key issues of concern.

For further information see the dedicated welfare reform pages here;

National Housing Federation www.housing.org.uk/welfarereform

Chartered Institute of Housing www.cih.org.uk/policy

Contact for more information

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Graham Hogg, South West Chartered Institute of Housing regional board
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Housing Service

Quarterly Performance Indicator Report

Quarter 4 2012/13 Financial Year

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0.0 Summary

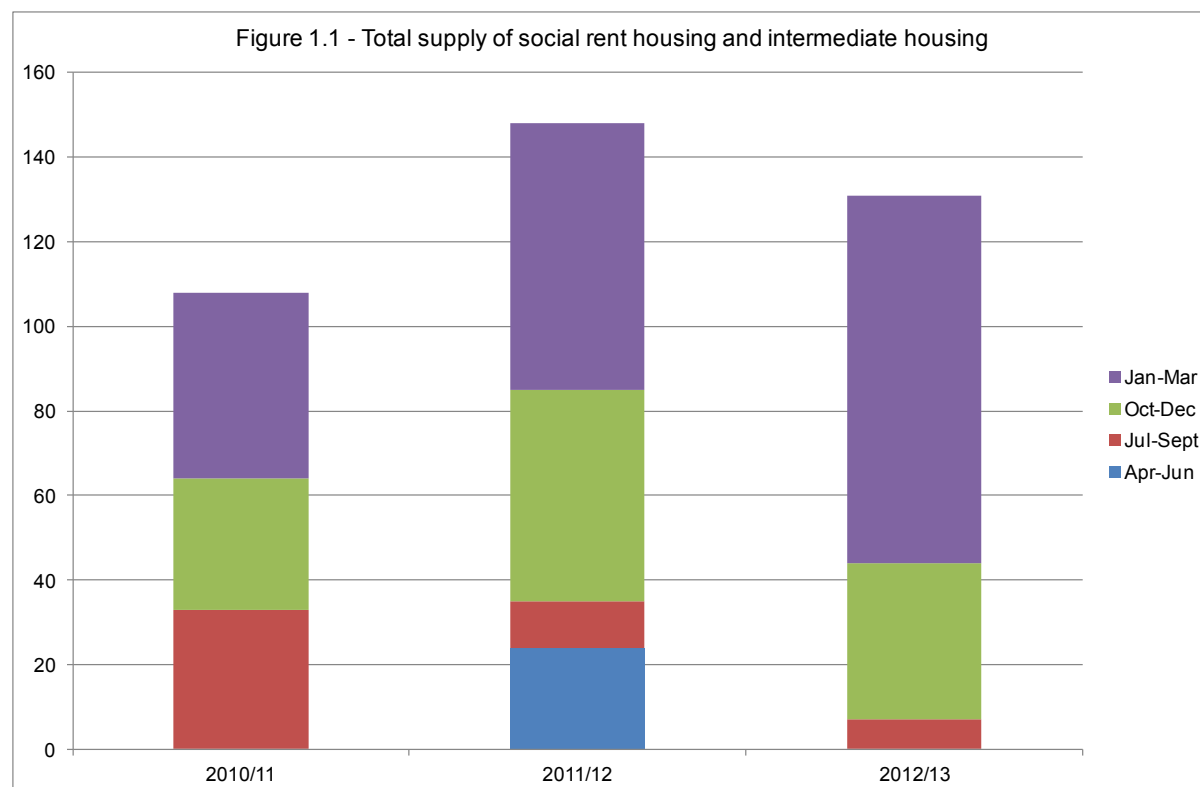
Description	2011/12	2011/12	2012/13					Progress against last quarter
	Jan - Mar	Cumulative Total	Apr- Jun	Jul-Sep	Oct - Dec	Jan - Mar	Cumulative Total	
Total supply of social rent housing and intermediate housing	63	148	0	7	37	80	124	
Total New ASB Cases	55	223	59	55	46	45	205	
No. of new stage 1 complaints	7	18	6	3	9	3	21	
Cost of temporary B&B accommodation (£)	£23,923	£77,230	£5,375	£16,251	£9,959	£3,176	£34,761	
Calls answered under 1 minute	97.28%	97.69%	97.55%	98.16%	97.55%	97.31%	*	
The average re-let time in days General Needs	31.97	25.91	21.79	21.67	17.09	24.42	*	

Description	2011/12	2011/12	2012/13					Progress against last quarter
	Apr - Mar	Cumulative Total	Apr- Jun	Apr-Sep	Apr - Dec	Apr- Mar	Cumulative Total	
% of rent collected from current tenants (incl. arrears bought forward but excl. service charges) - Year to date	99.65%	99.65%	98.95%	99.80%	99.41%	99.72%	99.72%	
Percentage of emergency (immediate) repairs completed within target time - Year to date	90.9%	90.9%	88.7%	87.0%	85.7%	85.7%	85.7%	

1.0 Affordable Housing Completions

Performance Indicator	2010/11			2011/12			2012/13						
	Cumulative Total	Target	% of target met	Cumulative Total	Target	% of target met	Apr-Jun	July-Sep	Oct-Dec	Jan-Mar	Cumulative Total	Target	% of target met
Number of affordable homes delivered (gross) (LAA)	108	100	108%	148	100	148%	0	7	37	80	124	100	124%

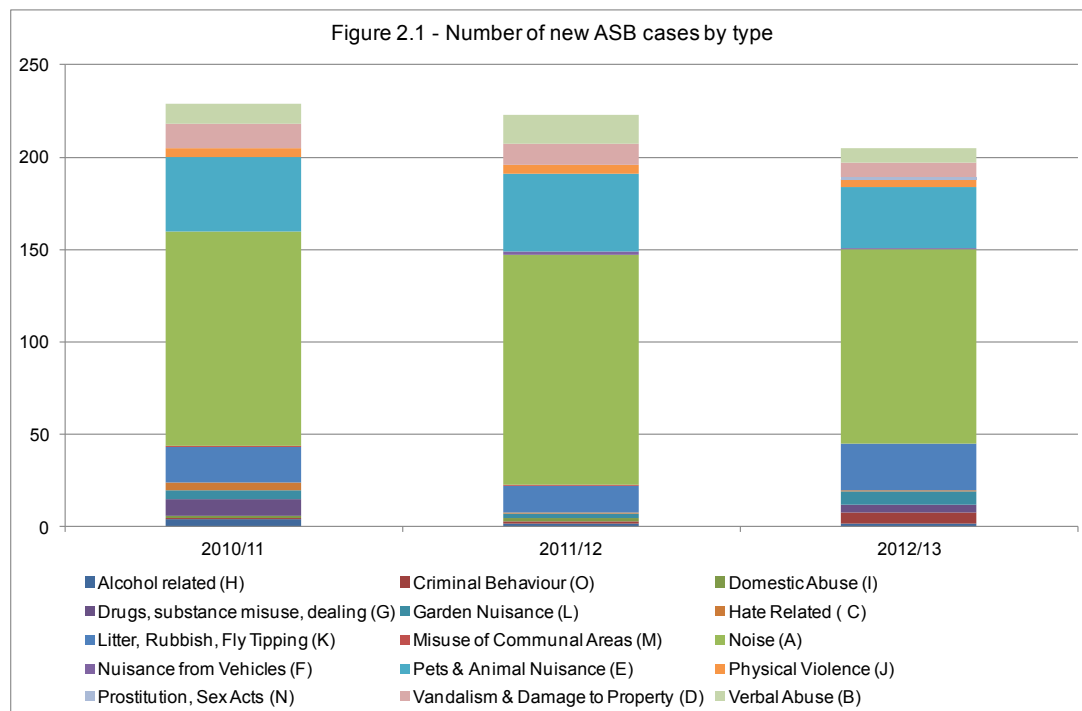
Source: SPAR.net



2.0 Anti-social behaviour

Source	Performance Indicator	2010/11	2011/12	2012/13					Progress against last quarter
		Cumulative Total	Cumulative Total	April- Jun	Jul-Sep	Oct - Dec	Jan - March	Cumulative Total	
	No. of new ASB cases								
Host Access ASB reporting: 2; Housing; 3; Estate Management; 17. Estate Mgmt Service Requests; 5. Estate Management Reports	Alcohol related (H)	4	2	0	1	1	0	2	
	Criminal Behaviour (O)	1	1	2	4	0	0	6	
	Domestic Abuse (I)	1	2	0	0	0	0	0	
	Drugs, substance misuse, dealing (G)	9	0	4	0	0	0	4	
	Garden Nuisance (L)	5	2	4	0	1	2	7	
	Hate Related (C)	4	1	0	0	0	1	1	
	Litter, Rubbish, Fly Tipping (K)	19	14	9	3	4	9	25	
	Misuse of Communal Areas (M)	1	1	0	0	0	0	0	
	Noise (A)	116	124	29	29	27	20	105	
	Nuisance from Vehicles (F)	0	2	1	0	0	0	1	
	Pets & Animal Nuisance (E)	40	42	7	10	8	8	33	
	Physical Violence (J)	5	5	0	3	1	0	4	
	Prostitution, Sex Acts (N)	0	0	0	0	0	1	1	
	Vandalism & Damage to Property (D)	13	11	3	2	0	3	8	
	Verbal Abuse (B)	11	16	0	3	4	1	8	
	Total New ASB Cases	229	223	59	55	46	45	205	
	Live Cases at End of Quarter			17	29	28	24	*	
	Resolved	165	195	63	49	48	48	208	*
	Unresolved	86	23	1	0	0	1	2	*
	% of closed cases that are resolved	66%	89%	98%	100%	100%	98%	99%	
	Resolved by Early Intervention		218	64	49	48	49	210	*
	Actions Taken by Early Intervention		222	56	58	46	45	205	*
Estate Management Customer Satisfaction Survey	Number of surveys received	71	49	13	21	34	24	92	*
	How easy to report complaint - % positive rating	94%	86%	92%	90%	88%	95%	91%	
	How quickly were you interviewed - % positive rating	92%	96%	100%	84%	94%	88%	91%	
	Was staff member helpful - % positive rating	94%	93%	100%	89%	90%	100%	94%	
	Overall satisfaction with way complaint was dealt with - % positive rating	78%	80%	92%	74%	67%	83%	76%	
	Overall satisfaction with outcome of complaint - % positive rating	74%	73%	77%	61%	58%	82%	67%	

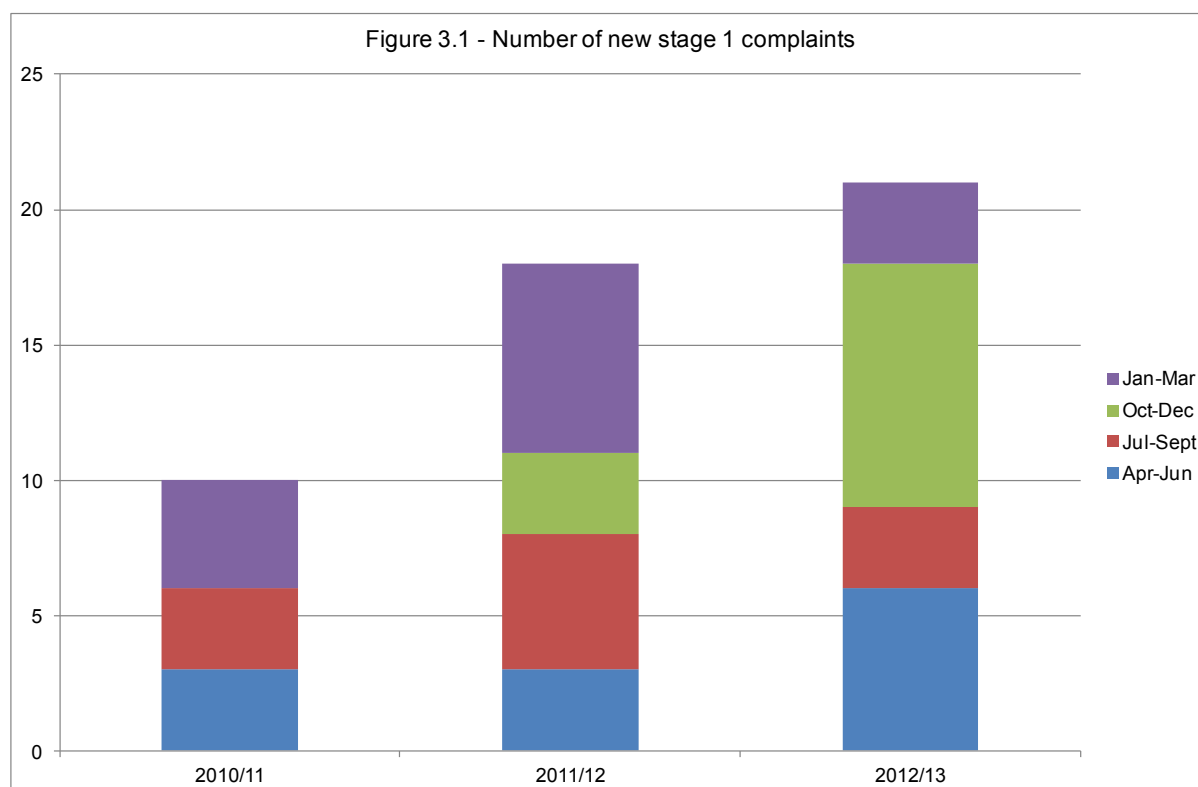
Source: Estate Management Customer Satisfaction Survey, Host Access



3.0 Complaints

Description	2010/11	2011/12	2012/13				Cumulative Total	Progress against last quarter
	Cumulative Total	Cumulative Total	April- Jun	Jul-Sep	Oct - Dec	Jan - March		
No. of new stage 1 complaints	10	18	6	3	9	3	21	
Average time in calendar days to issue full response to all Stage 1 complaints	9.2	14.0	10.6	16.0	22.6	11.7	17.0	

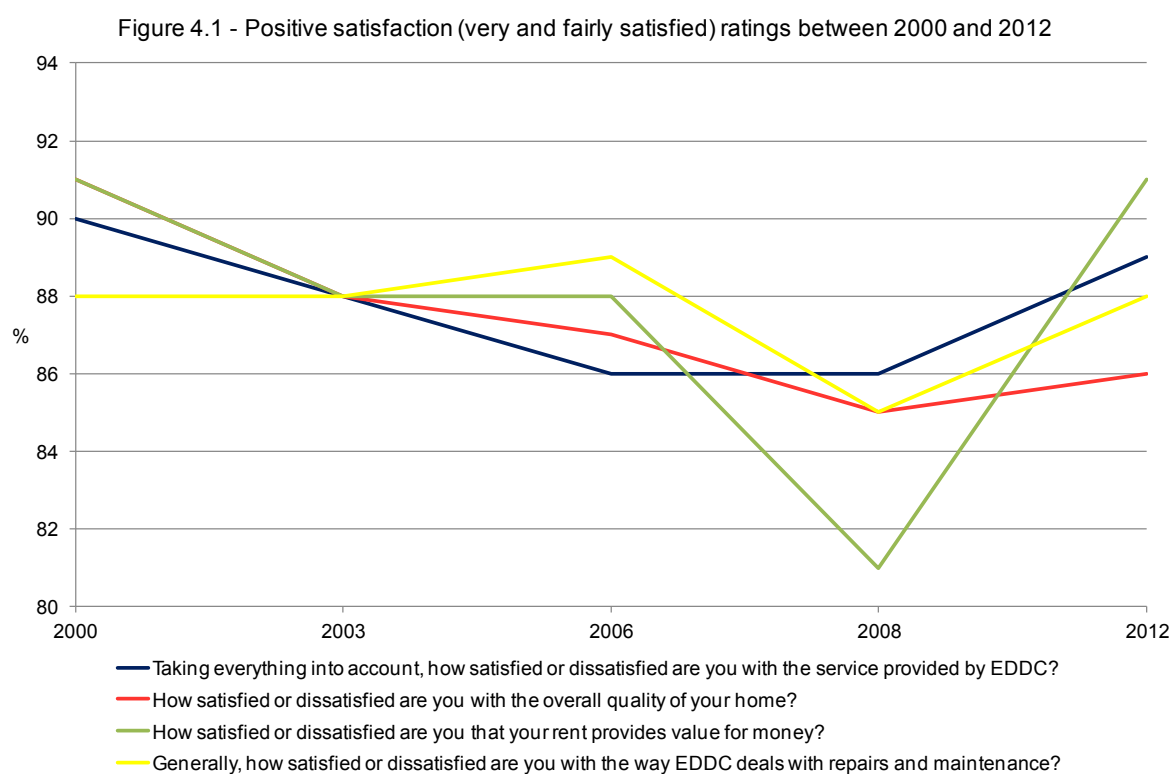
Source: Host Access Complaints Stage Report



4.0 Customer Satisfaction

Description	Tenant Group	2000 STATUS	2003 STATUS	2006 STATUS	2008 STATUS	2012 STAR
		Very & Fairly Satisfied	Very & Fairly Satisfied	Very & Fairly Satisfied	Very & Fairly Satisfied	Very & Fairly Satisfied
		%				
Taking everything into account, how satisfied or dissatisfied are you with the service provided by EDDC?	General Needs	90	88	86	86	89
How satisfied or dissatisfied are you with the overall quality of your home?	General Needs	91	88	87	85	86
How satisfied or dissatisfied are you with your neighbourhood as a place to live?	General Needs	#	#	#	82	89
How satisfied or dissatisfied are you that your rent provides value for money?	General Needs	91	88	88	81	91
Generally, how satisfied or dissatisfied are you with the way EDDC deals with repairs and maintenance?	General Needs	88	88	89	85	88
How satisfied or dissatisfied are you that EDDC listens to your views and acts upon them?	General Needs	#	#	#	64	73

Source: STATUS and STAR surveys. NB: The STAR results are based on valid responses only, STATUS on non-valid and valid responses – they are therefore not directly comparable.

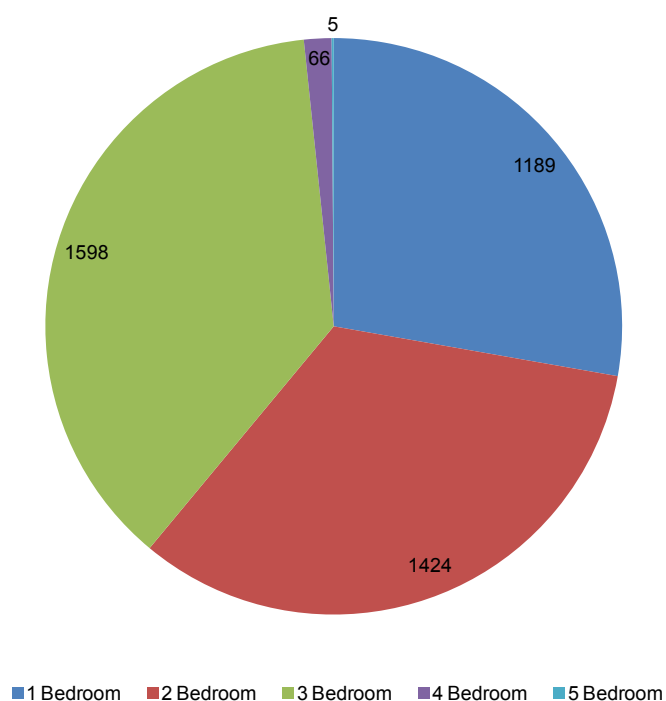


5.0 EDDC Stock

Date	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	Total
04/04/2011	1189	1428	1609	70	5	4301
15/06/2011	1188	1426	1609	70	5	4298
01/07/2011	1188	1426	1609	70	5	4298
01/08/2011	1188	1427	1609	70	5	4299
01/09/2011	1188	1427	1609	70	5	4299
03/10/2011	1188	1427	1609	70	5	4299
01/11/2011	1188	1427	1609	70	5	4299
01/12/2011	1188	1427	1609	70	5	4299
03/01/2012	1188	1427	1609	70	5	4299
01/02/2012	1188	1427	1609	70	5	4299
01/03/2012	1188	1427	1608	70	5	4298
30/03/2012	1188	1427	1607	70	5	4297
02/05/2012	1188	1427	1607	69	5	4296
01/06/2012	1188	1427	1607	69	5	4296
02/07/2012	1188	1427	1607	69	5	4296
28/11/2012	1190	1423	1605	68	5	4291
04/01/2013	1189	1423	1603	68	5	4288
09/04/2013	1189	1424	1598	66	5	4282

Source: Host Access Bedroom Analysis

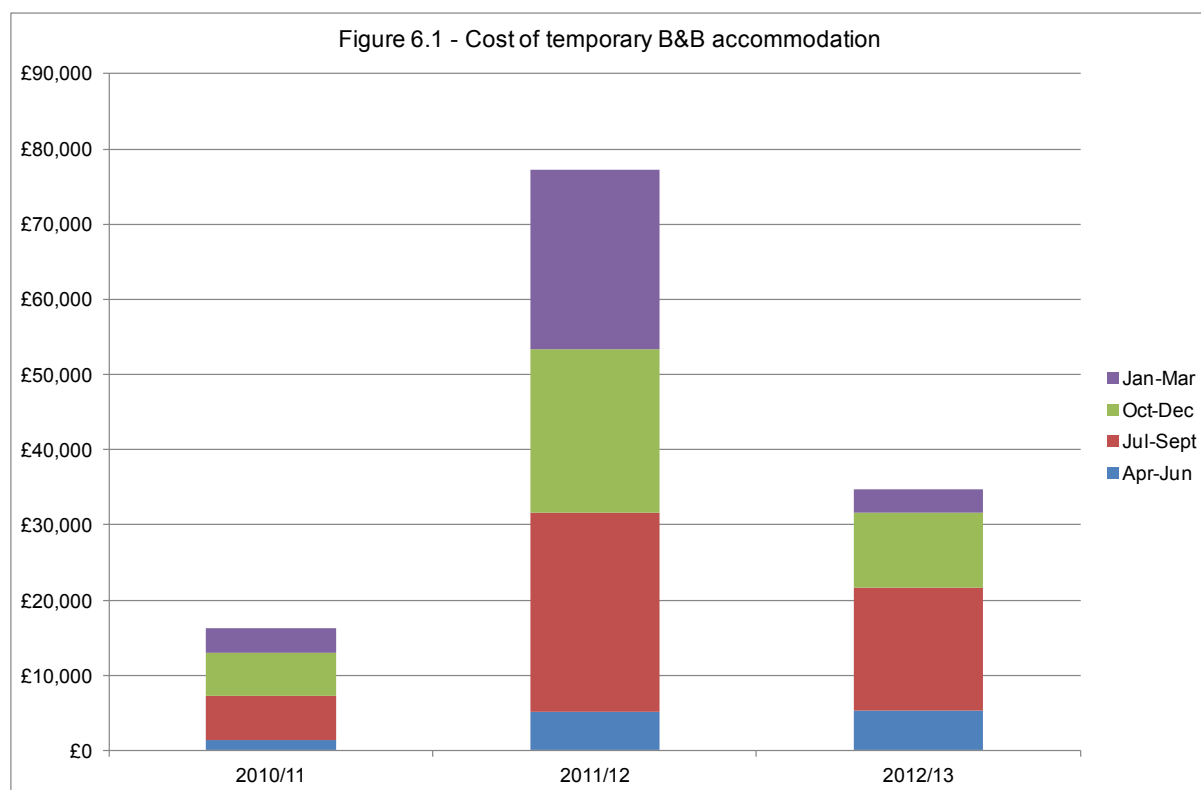
Figure 5.1 - EDDC Stock by bedroom size 04/01/2013



6.0 Homelessness

Description	2010/11	2011/12	2012/13					Progress against last quarter
	Cumulative Total	Cumulative Total	April- Jun	Jul-Sep	Oct - Dec	Jan - March	Cumulative Total	
Office Interviews: Number of people who come into EDDC office for housing/homeless advice	2915	2754	623	644	520	627	2414	
Approaches: Number of people who indicate that they are homeless or about to become homeless	659	651	139	116	84	125	464	
Acceptances: Number of people who EDDC have accepted as homeless	31	38	10	9	7	9	35	
Preventions: Cases EDDC have intervened to prevent homelessness	267	298	67	79	77	82	305	
Number of households in temporary B&B accommodation at end of quarter	*	*	1	4	2	2	*	
Number of days spent in temporary B&B accommodation	189	1539	82	291	234	92	699	
Cost of temporary B&B accommodation (£)	£16,203	£77,230	£5,375	£16,251	£9,959	£3,176	£34,761	
Number of households living in temporary accommodation at end of quarter (not including B&B)	*	*	19	22	23	17	*	

Source: Homelessness & Housing Options Team & SPAR



7.0 Home Safeguard

Description	2011/12	2012/13				Progress against last quarter
	Cumulative total	Apr-June	July-Sept	Oct-Dec	Jan-March	
Call Handling						
Answered in under 1 Minute	97.69%	97.55%	98.16%	97.55%	97.31%	
Answered in under 3 Minutes	99.77%	99.85%	99.89%	99.75%	99.58%	
Answered in over 3 Minutes	0.23%	0.15%	0.11%	0.25%	0.42%	
% of Operators Achieving Under 1 Minute KPI	64%	#	71%	71%	64%	*
Operator quality checks (target 100%)	#	#	100.00%	100.00%	100%	*
Installations						
Under 2 working Days (urgent) -	#	2	24	5	0	
Under 2 working Days (urgent) - % installed within target time	#	100%	100%	100%	0%	
Under 5 working Days - Number	#	0	0	0	0	
Under 5 working Days - % installed within target time	#	0%	0%	0%	0%	
Under 15 working Days (non urgent) - Number	#	112	96	117	132	
Under 15 working Days (non urgent) - % installed within target time	#	100%	100%	100%	100%	
Under 20 working Days (non urgent) - Number	#	0	0	0	0	
Under 20 working Days (non urgent) -	#	0%	0%	0%	0%	
Repairs						
Critical repaired within 48 hours -	#	27	32	33	14	
Critical repaired within 48 hours - % repaired within target time	#	96%	100%	98%	100%	
Critical repaired within 96 hours - number	#	0	0	0	0	
Critical repaired within 96 hours - % repaired within target time	#	0%	0%	0%	0%	
No critical within 10 working days - number	#	29	60	69	97	
No critical within 10 working days - % repaired within target time	#	100%	100%	100%	100%	
No critical within 15 working days - number	#	0	0	0	0	
No critical within 15 working days - % repaired within target time	#	0%	0%	0%	0%	
Complaints						
Total complaints	#	#	0	Awaiting info	1	
Response sent in under 5 days	#	#	0	Awaiting info	1	*
Response sent in under 20 days	#	#	0	Awaiting info	0	*
Service User Satisfaction (target 5%)						
Installations	#	#	#	#	#	*
Monitoring	#	#	#	#	#	*

Source: Homesafeguard Team

8.0 Lettings

Performance Indicator	2011/12	2012/13				Cumulative Total	Progress against last quarter
	Cumulative Total	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar		
Total number of units vacant at the end of the period	*	14	27	18	9	*	
Number of units vacant and available for letting at the period end	*	7	22	17	7	*	
Number of units vacant but unavailable (BVPI) for letting at the period end	*	7	5	1	2	*	
The average re-let time in days General Needs	25.91	21.79	21.67	17.09	24.42	*	
The average re-let time in days Sheltered Housing	16.51	17.45	13.00	13.00	21.05	*	
Total number of re-lets during the period benchmarked	232	55	42	64	74	235	*
The number of properties accepted on first offer GN	136	29	18	30	31	108	*
The number of properties accepted on first offer SH	96	15	14	27	31	87	*
The % of properties accepted on first offer GN	81%	88%	86%	86%	86%	*	
The % of properties accepted on first offer SH	80%	68%	67%	93%	82%	*	
Percentage of new tenants satisfied with the allocation and letting process	#	#	#	#	#	#	*
Percentage of dwellings that are vacant and available to let - GN and HfOP	*	0.16%	0.51%	0.40%	0.16%	*	
Percentage of dwellings that are vacant but unavailable (BVPI) to let - GN and HfOP	*	0.16%	0.12%	0.02%	0.05%	*	

Source: CORE, Anite (via Business Objects)

Figure 8.1: Housing Voids – Property Type Dwelling – Capability Chart – End to end times, start of void to keys to new tenant, 1st March 2013 to 31st March 2013

Housing Voids: Property Type=Dwelling
Capability Chart - End to End Times, Start of Void to Keys to New Tenant from
01-Mar-13 to 31-Mar-13

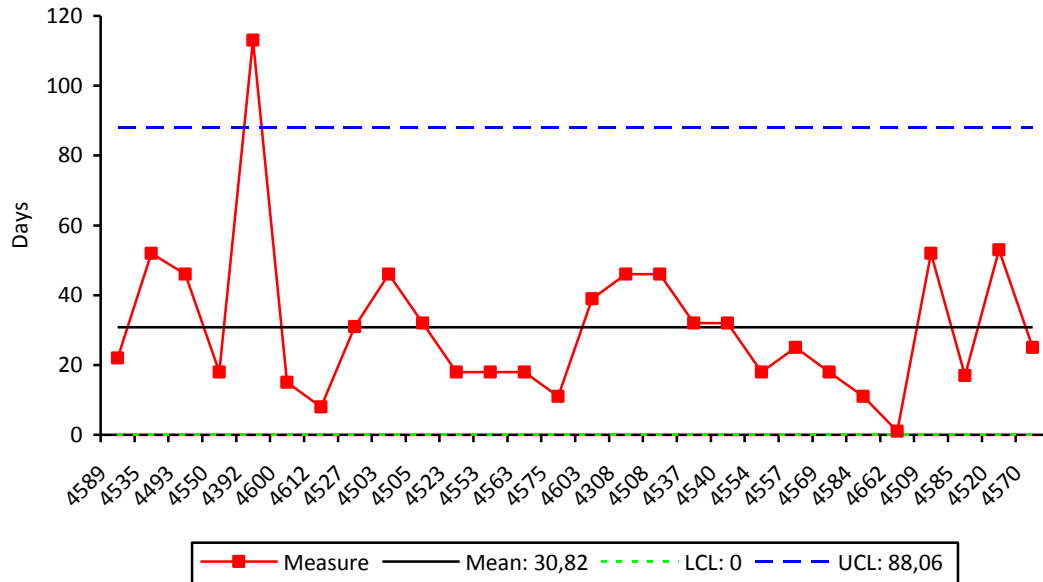
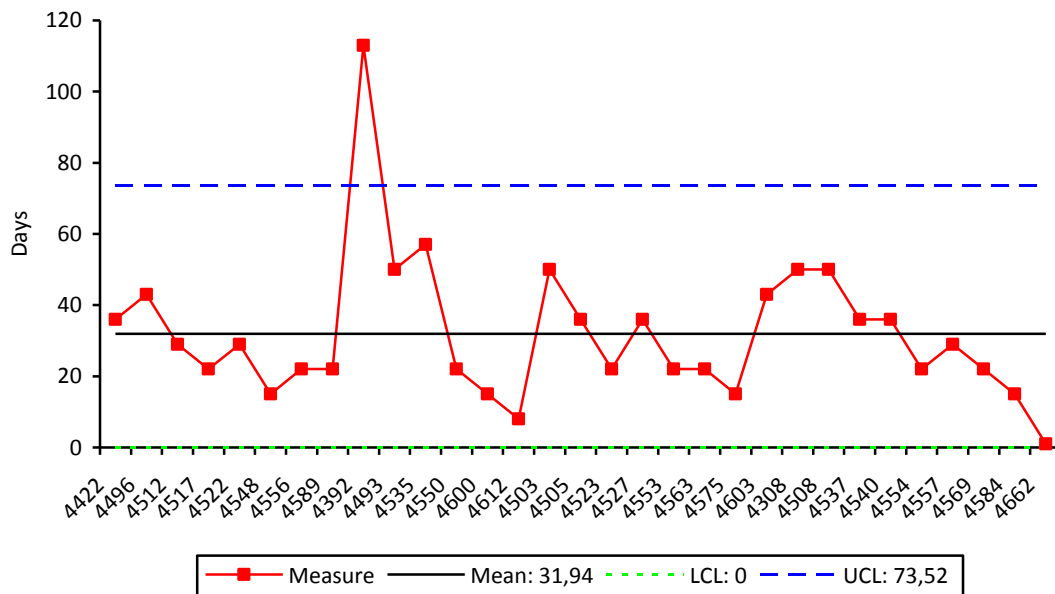


Figure 8.2: Housing Voids – Property Type Dwelling – Capability Chart – End to end times, start of void to start of tenancy, 1st March 2013 to 31st March 2013

Housing Voids: Property Type=Dwelling
Capability Chart - End to End Times, Start of Void to Start of Tenancy from 01-
Mar-13 to 31-Mar-13

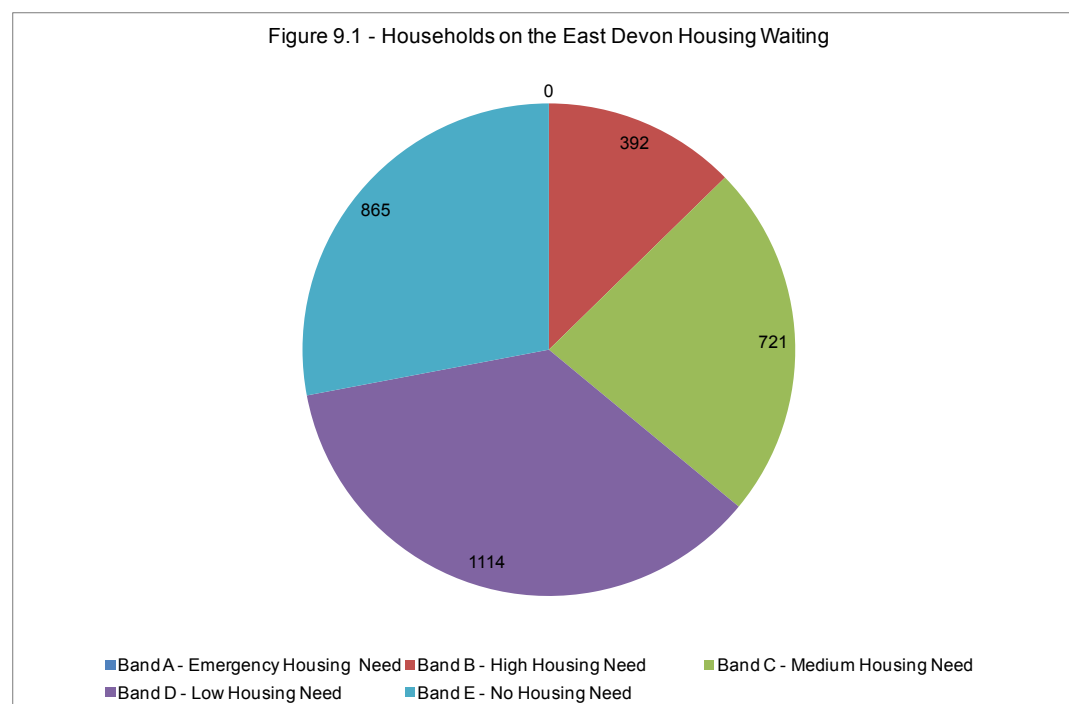


9.0 Number of Households on the East Devon Housing Waiting List

Performance Indicator	2011/12				2012/13				% Change between Apr 11 & Mar 13
	Apr-11	Jul-11	Sep-11	Jan-12	Jul-12	Nov-12	Jan-13	Jan-Mar	
Band A - Emergency Housing Need	1	-	-	-	1	0	0		-100%
Band B - High Housing Need	189	208	227	228	205	331	345	392	107%
Band C - Medium Housing Need	657	723	789	822	862	709	715	721	10%
Band D - Low Housing Need	887	943	1,014	1,055	1200	1257	1272	1114	26%
Band E - No Housing Need	1,317	1,443	1,559	1,635	1891	1797	1305	865	-34%
Total	3,051	3,317	3,589	3,740	4159	4094	3637	3092	1%

Source: Devon Home Choice

Figure 9.1 - Households on the East Devon Housing Waiting



10 Private Sector Housing

Description	2011/12	2012/13					Progress against last
	Cumulative Total	April- Jun	Jul-Sep	Oct - Dec	Jan - March	Cumulative Total	
Empty homes investigated	*	45	62	58	60	*	*
Empty homes genuinely brought back into use	#	#	#	#	#	#	#
Non-exempt empty homes	*	501	549	544	549	*	
Disabled Facilities Grant Applications	76	25	16	17	30	88	
Disabled Facilities Grant Completions	91	27	23	20	24	94	

Source: Council Tax Return & Private Sector Team records

11 Rental

Performance Indicators	2011/12	2012/13				Progress against last quarter
	Apr-Mar	Apr-Jun	Apr-Sep	Apr-Dec	Apr-Mar	
Rent and service charges due for the period benchmarked (whether property is occupied or not & excluding all arrears brought forward)	£15,748,579	£4,080,950	£8,140,555	£12,217,686	£16,301,328	*
Rent and service charges that could not be collected during the period benchmarked due to empty dwellings	£100,441	£32,170	£40,062	£75,611	£116,013	*
Rent collected year to date from current tenants	£15,648,138	£4,043,692	£8,097,316	£11,905,173	£16,368,152	*
% of rent due collected from current tenants	99.36%	99.09%	99.47%	97.44%	100.41%	
Rent collected year to date from former tenants	£20,887	£7,412	£6,062	£10,703	£12,493	*
Current tenant arrears - start of year	£171,362	£128,274	£128,274	£128,274	£128,274	*
Current tenant arrears - end of period	£128,274	£142,258	£120,989	£165,536	£126,960	*
Former tenant arrears - start of year	£102,115	£91,927	£91,927	£91,927	£91,927	*
Former tenant arrears - end of period	£91,927	£77,751	£69,806	£64,400	£70,860	*
Gross Annual Rent Roll	£15,748,579	£16,323,800	£16,281,110	£16,290,248	£16,301,328	*
Annual rent and service charges due (excluding rent lost due to dwellings being vacant)	£15,648,138	£16,195,120	£16,200,986	£16,189,433	£16,185,314	*
Total rent and service charges of current and former tenants, which were actually written off as unrecoverable year to date	£32,613	£12,055	£16,899	£29,712	£31,537	*
Total number of evictions due to rent arrears year to date	10	0	0	1	5	*
Number of tenancies at the start of the period	4272	4257	4257	4257	4257	*
Number of tenancies at the end of the period	4267	4254	4273	4241	4242	*
Rent collected from current tenants as a percentage of rent owed (excluding arrears b/f) - GN & HfOP	100%	99.9%	100.0%	98.1%	101.1%	
Current tenant arrears as a percentage of the annual rent debit (excluding HB adjustment) - GN & HfOP	0.65%	0.88%	0.75%	1.02%	0.78%	
Former tenant arrears as a percentage of the annual rent debit - GN & HfOP	0.59%	0.48%	0.43%	0.40%	0.44%	
Rent written off as a percentage of the annual rent roll - GN & HfOP	0.21%	0.07%	0.10%	0.18%	0.19%	*
Percentage of all tenants who have been evicted for rent arrears - GN & HfOP	0.2%	0.0%	0.0%	0.02%	0.12%	*
Percentage of rent lost through dwellings being vacant - GN & HfOP	0.64%	0.79%	0.49%	0.62%	0.71%	

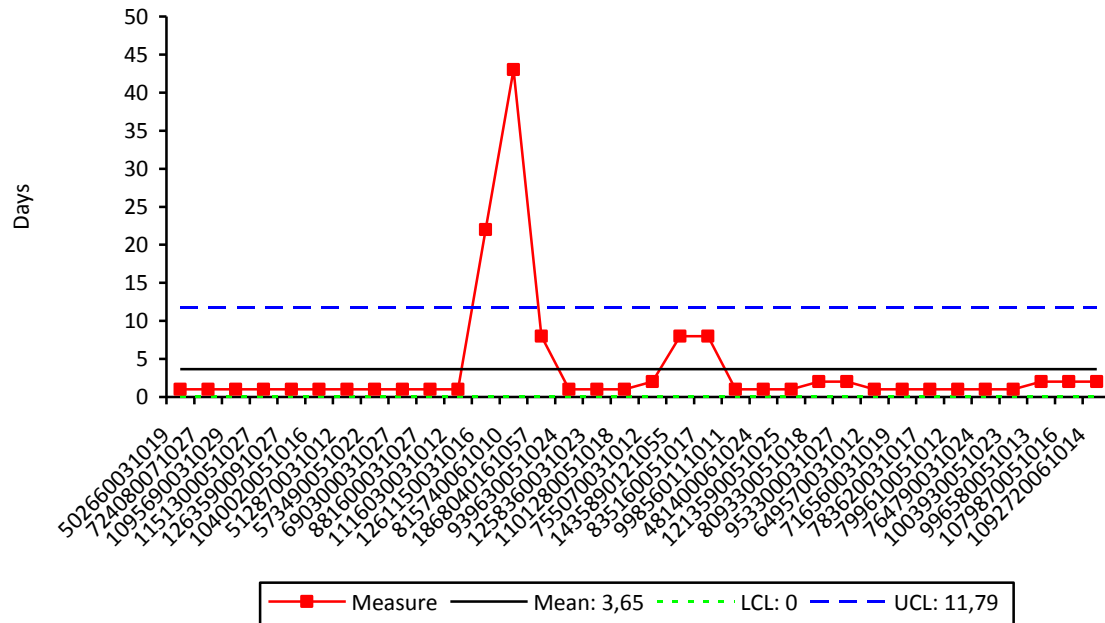
Source: Rental Team; HouseMark PI Tracking

Figure 11.1: Housing Rents – Property Type Dwelling – Capability Chart – End to End Times, Start of Tenancy to First Payment/Benefit, 1st March 2013 to 31st March 2013

Housing Rents: Property Type=Dwelling

Capability Chart - End to End Times, Start of Tenancy to First Payment/Benefit from

01-Mar-13 to 31-Mar-13



12 Repairs

Performance Indicator	2011/12	2012/13				Progress against last
	Apr-Mar	Apr-Jun	Apr-Sep	Apr-Dec	Apr-Mar	
The total number of emergency (immediate) repairs completed year-to-date	3,243	698	910	1090	1306	*
The total number of emergency repairs completed year-to-date that were completed within target	2,949	619	792	934	1119	*
Percentage of emergency (immediate) repairs completed within target time - Year to date	90.9%	88.7%	87.0%	85.7%	85.7%	
The total number of urgent repairs completed year-to-date	3,528	753	1,992	3,401	4,982	*
The total number of urgent repairs completed year-to-date that were completed within target	3,192	692	1,772	3,019	4,463	*
Percentage of urgent (urgent) repairs completed within target time	90.5%	91.9%	89.0%	88.8%	89.6%	
The total number of routine repairs completed year-to-date	2,179	349	860	1419	2262	*
The total number of routine repairs completed year-to-date that were completed within target	1,997	327	792	1297	2054	*
Percentage of routine (priority & non priority) repairs completed within target time	91.6%	93.7%	92.1%	91.4%	90.8%	
Total number of reactive repairs completed year-to-date	8,950	1,800	3,762	5,910	8,550	*
Total number of reactive repairs completed year-to-date that were completed on time	8,138	1,638	3,356	5,250	7,636	*
Percentage of all reactive repairs completed within target time	90.9%	91.0%	89.2%	88.8%	89.3%	
The average number of calendar days taken to complete responsive repairs in the period	14.93	15.40	14.40	14.30	17.19	*
The Percentage of repairs completed right first time in the period	87.0%	85.8%	86.9%	86.2%	86.1%	
How was repair dealt with? % Indicating Reasonable	98.0%	95.7%	97.2%	97.3%	97.4%	
The percentage of properties, requiring a landlord gas safety record, that have a valid landlord gas safety record	99.9%	no info.	99.8%	99.7%	100.0%	*
Overall gas safety check service rating - % positive satisfaction rating	99.0%	96.6%	100.0%	100.0%	97.9%	
Gas safety check work finished in one visit - % positive rating	95.8%	96.6%	98.4%	95.6%	98.9%	

Source: Host Access Housing Monitoring Report; RHH Online Live Reporting; Gas safety customer satisfaction survey