

Report to: Housing Review Board



Date of Meeting 15th June 2023

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Exemption applied: None

Review date for release N/A

Social Housing (Regulation) Bill 2022-23

Action Plan

Report summary:

This report, presentation and action plan seek to provide the Board with an update on the preparation we are making to ensure compliance with the up and coming Social Housing (Regulation) Bill. The Bill provides the legal basis for many of the measures set out in the 2020 Social Housing White Paper. The intention is to deliver transformational change for social housing residents and fulfil the Governments 2019 manifesto pledge to empower residents, provide greater redress, better regulation and improve the quality of social housing.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

- **Members note and agree the report, action plan and content of the presentation.**

Reason for recommendation:

To ensure that EDDC is complying with the proposed legislative requirements as set out in the White Paper and that actions are in place to further embed these requirements into the Housing Service.

Officer: Amy Gilbert – Jeans Assistant Director of Housing

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Democracy, Transparency and Communications
- ☐ Economy and Assets
- ☐ Finance
- ☐ Strategic Planning
- ☒ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact.

Climate change Low Impact

Risk: High Risk; Failure to deliver services to tenants in line with the consumer standards, best practice and regulation could bring scrutiny from the regulator and action taken against EDDC as well as expose tenants to risk due to failures in service delivery.

Links to background information Presentation; Self Assessment; [Charter for Social Housing Residents](#);

Link to [Council Plan](#)

Priorities (check which apply)

- ☒ Better homes and communities for all
 - ☒ A greener East Devon
 - ☐ A resilient economy
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1. Introduction

- 1.1 This report aims to summarise the Charter and consider how we (EDDC) fare against its demands as we currently stand and sets out recommendations on what steps need to be taken in order to prepare for its full implementation. The Consumer Standard will be given greater focus and status, elevating it to be in line with the Governance and Finance measures. The proposed new regulation also sets out wide-ranging proposals to transform and strengthen the regulatory regime based around new consumer standards and a code of Practice with increasing powers of intervention to ensure it holds all landlords to account for the services they deliver and drives good services for tenants.

2. Background

- 2.1 The Charter for Social Housing Residents (Social Housing White Paper) published in late 2020 set out a new charter for social housing residents. It seeks to deliver transformational change and address everyone's expectations that:

A home should provide safety, security and dignity. An opportunity to put down roots and contribute to our community so we can enjoy social and civic lives. Regardless of who you rent from, your landlord should treat you fairly and with respect. And if things go wrong there should be a swift and effective means to redress.

- 2.2 It also seeks to respond to the lessons learnt from:

- the tragedy at Grenfell Tower
- the views of residents on the Social Housing Green paper 2018,
- views on how social housing is regulated including complaints
- the impact of Covid – 19 pandemic and the importance of peoples homes, communities, neighbourhoods and green spaces. social isolation, support for the vulnerable, wellbeing, mental health, crime and ASB.
- addressing energy efficiency and safety of building

3. The New Charter

- 3.1 The charter sets out what every social housing resident should be able to expect:

1. **To be safe in your home.** We will work with industry and landlords to ensure every home is safe and secure.
2. **To know how your landlord is performing.** Including on repairs, complaints and safety, and how it spends its money, so you can hold it to account.
3. **To have your complaints dealt with promptly and fairly,** with access to a strong Ombudsman who will give you swift and fair redress when needed.
4. **To be treated with respect,** backed by a strong consumer regulator and improved consumer standards for tenants.
5. **To have your voice heard by your landlord,** for example through regular meetings, scrutiny panels or being on its Board. The government will provide help, if you want it, to give you the tools to ensure your landlord listens.
6. **To have a good quality home and neighbourhood to live in,** with your landlord keeping your home in good repair.
7. **To be supported to take your first step to home ownership,** so it is a ladder to other opportunities, should your circumstances allow.

3.2 Summary of key changes

The new regulation sets out how landlords will be expected to meet the new Charter and the creation of a proactive consumer regulatory regime, strengthening the formal standards against which landlords are regulated.

The key changes under each chapter are:

3.2.1 Chapter 1 - *To be safe in your home.*

This chapter seeks to put residents back at the heart of building safety, delivering changes that will ensure every resident is safe in their home:

- Legislate to strengthen the Regulator of Social Housing's consumer regulation objectives to explicitly include safety.
- Legislate to require social landlords to identify a nominated person responsible for complying with their health and safety requirements.
- Expect the Regulator of Social Housing to prepare a Memorandum of Understanding with the Health and Safety Executive to ensure effective sharing of information with the Building Safety Regulator.
- Launch a consultation on requiring smoke alarms in social housing and introducing new expectations for carbon monoxide alarms.
- Consult on measures to ensure that social housing residents are protected from harm caused by poor electrical safety.
- Continue to work with the Social Sector (Building Safety) Engagement Best Practice Group and the Building Safety Regulator to ensure resident voices are heard.
- Published a Building safety bill (July 20) and Fire safety bill which includes more stringent regime for design, construction, day to day management and maintenance of higher risk building with residents having a strong voice in the system. This will drive culture change to put safety first
- A resident engagement strategy for each building which includes regular communication and two way engagement with residents on Fire safety and building management.

3.2.3 Chapter 2 - *To know how your landlord is performing.*

This chapter seeks to address the criticisms as a result of growth in the sector and looks to redress the balance and recreate strong connections between the landlord and tenants to ensure accountability:

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

3.2.4 *Chapter 3 – To have your complaints dealt with promptly and fairly.*

This chapter seeks to ensure that residents can get a swift and effective resolution when they raise concerns:

- Speeding up the access to the Housing Ombudsman by removing the need for residents to either go to a designated person (democratic filter) or wait eight weeks.
- Expand Housing Ombudsman, increasing powers, quicker decisions and stronger action against landlords.
- Requirement landlords to self assess against Ombudsman code.
- Publicising the cases determined

3.2.5 *Chapter 4 – To be treated fairly and with respect, backed by a strong consumer regulator for tenants.*

This chapter seeks to strengthen consumer regulation as set in the charter with the establishment of a new consumer regulation function which will proactively hold landlords to account for the services they deliver. A more balanced approach, parity and a similar oversight with consumer and with economic regulation

- Transform the consumer regulation role of the Regulator of Social Housing (“the regulator”) so it proactively monitors and drives landlords’ compliance with improved consumer standard and code of practice.
- Remove the ‘serious detriment test’ and introduce routine inspections for the largest landlords (those with over 1,000 homes) every four years.
- Change the regulator’s objectives to explicitly cover safety and transparency, and work with it to review its consumer standards to ensure they are up to date and deliver its revised objectives.
- Give the regulator the power to publish a Code of Practice on the consumer standards to be clear what landlords are required to deliver.
- Strengthen the regulator’s enforcement powers to tackle failing landlords and remove the cap on the level of fines it can issue introducing Performance Improvement Plans for failing to comply, reduced notice periods for surveys and a new power to arrange emergency repairs where systemic failures are uncovered.
- Hold local authorities to account as landlords, including how they manage Arms Length Management Organisations and Tenant Management Organisations, to make sure they deliver a good service to tenants. The statutory Right to Manage will be reviewed.
- Require the regulator to set up an Advisory Committee to provide independent and unbiased advice on discharging its functions.

3.2.5 *Chapter 5 – To have your voice heard by your landlord.*

The paper seeks to ensure landlords engage with their residents effectively listening and respecting their views. It identifies that engagement needs to be more than just resident involvement and is also about loneliness, support, social relationships and physical and mental health.

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

3.2.6 *Chapter 6 – To have a good quality home and neighbourhood to live in*

This chapter seeks to ensure that homes and neighbourhoods are of good quality including access to green space and support for wellbeing:

- Review the Decent Homes Standard to ensure it is delivering what is needed for safety and decency, including access to and the quality of green spaces.
- Tackle anti-social behaviour by enabling tenants to know who is responsible for action and who can support and assist them if they are faced with anti-social behaviour.
- Consider the results of the allocations evidence collection exercise findings to ensure that housing is allocated in the fairest way possible and achieves the best outcomes for local places and communities.
- Encouraging social landlords to adopt pet's policies which can support wellbeing and bring comfort to people's lives.
- Ensure staff are equipped to work with people with mental health needs and domestic violence.

3.2.7 *Chapter 7 – To be supported to take your first step to ownership.*

This chapter seeks to ensure that as many social tenants as possible have the opportunity to buy a home of their own:

- Investing £11.5 billion to build up to 180,000 affordable homes – the highest single funding commitment to affordable housing in a decade. Around half of these new homes will be for affordable home ownership.
- Implementing a new, fairer and more accessible model for Shared Ownership which reduces the initial ownership stake from 25% to 10% and allows the purchase of further shares in smaller instalments as little as 1%. This also includes a 10 year repair free period. .
- Implementing a new Right to Shared Ownership for tenants of housing associations and other private registered providers who live in new grant funded homes for rent.
- Emphasising through our new National Design Guide the importance of building beautiful and well-designed social homes.
- Introducing a new Affordable Homes Guarantee Scheme.

- Encouraging local authorities to take advantage of our removal of the borrowing cap to build more council homes.
- The restriction of ground rents on future leases to zero, banning of new leasehold houses, strengthening redress, making it quicker and easier, cheaper to extend lease or buy a freehold. Ensuring service charges are transparent and communicated effectively.

4.0 Moving forward

4.1 The attached presentation and Action Plan (Appendix 1) outline our current position in relation to the requirements of the Social Housing Regulation Bill.

It is important that the Board and EDDC are fully aware of the expectations of the regulator, our current position and the further work required in readiness for any future inspection.

Financial implications:

There are no specific financial implications at present.

Legal implications:

There are no specific legal implications on which to comment but the bill intends to strengthen the regulatory regime to change the behaviour of social housing landlords to focus on the tenants' needs. It also aims to ensure landlords are held to account for their performance.