

## Agenda for Housing Review Board Thursday, 1st August, 2024, 10.00 am

### Members of Housing Review Board

S Clarke, R Robinson, S Beer, S Chamberlain (Chair), M Martin,  
C Burhop, A Bailey and S Smith

**Venue:** Council Chamber, Blackdown House, Honiton, EX14 1EJ

**Contact:** Sarah James;

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(or group number 01395 517546)

Tuesday, 23 July 2024



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- 1 Public speaking  
Information on [public speaking](#) is available online
- 2 Appointment of Vice-Chair  
To appoint a vice-chair for the ensuing year.
- 3 Minutes of the previous meeting (Pages 3 - 7)
- 4 Apologies
- 5 Declarations of interest  
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 6 Matters of urgency  
Information on [matters of urgency](#) is available online
- 7 Confidential/exempt item(s)  
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.
- 8 Housing Review Board forward plan (Page 8)
- 9 Housing Review Board terms of reference  
Discussion on the terms of reference for the Housing Review Board.
- 10 Housing Performance Report - Quarter 4 2023/24 (Pages 9 - 15)

- 11 Housing Allocations Policy update (Pages 16 - 30)
- 12 Housing Revenue Account and Housing Capital Finance 2023/24 year end outturn (Pages 31 - 35)
- 13 Housing Revenue Account: Financial review, revised budget and sustainability plan (Pages 36 - 58)
- 14 Housing Ombudsman self-assessment and complaint procedure update (Pages 59 - 102)
- 15 Results of Tenant Satisfaction Measures Survey 2023/24 (Pages 103 - 107)
- 16 Tenant recruitment to the Housing Review Board (Pages 108 - 120)
- 17 Annual Tenant Event  
Verbal update.

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Members of the public exercising their right to speak during Public Question Time will be recorded.

[Decision making and equalities](#)

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**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Housing Review Board held at Council Chamber, Blackdown House, Honiton on 14 March 2024****Attendance list at end of document**

The meeting started at 10.00 am and ended at 11.30 am

**51 Minutes of the previous meeting**

The minutes of the meeting held on 25 January 2024 were agreed.

**52 Declarations of interest**

There were no declarations of interest under the Code of Conduct. Councillor Sarah Chamberlain declared that she was employed by Exeter City Council in the housing department.

**53 Public speaking**

There were no members of the public registered to speak.

**54 Matters of urgency**

There were none.

**55 Confidential/exempt item(s)**

There were none.

**56 Housing Review Board forward plan**

The Tenancy Services Manager presented the forward plan and explained the revised format of the plan and the reasoning behind these changes in that it aligned with the Overview and Scrutiny Committees' forward plan format. Members were advised that the forward plan acted as a reminder of agenda items due to come forward to future meetings. The forward plan had been derived from previous meetings and requests, as well as the housing service plan. Service managers we currently reviewing realistic timeframes against each topic and dates for the future items would be populated once dates for 2024/25 Housing Review Board meetings had been agreed. Members were reminded that they could add further reports and topics for discussion to the next forward plan by either informing herself or the Democratic Services Officer.

Concern was expressed that there were a large number of items on the forward plan but only four Housing Review Board meetings scheduled for the year. The Director for Housing, Health and Environment reassured those present that additional Board meetings could be called if required. It was noted that a stock condition survey report would be brought to the next meeting of the Housing Review Board.

**57 Function of the Housing Review Board**

The Board considered the report of the Assistant Director for Housing (Tenancy Services) which had come forward following a direct request for the function of the HRB to be reviewed and refreshed. The report aligned with the recent scrutiny review carried out by the Centre for Governance and Scrutiny (CGS), which was presented to a joint meeting of the Scrutiny Committee, Overview Committee and Housing Review Board on 15 February 2024. An action plan would be produced by the Democratic Services Manager by 30 April 2024 based on findings of the CGS review. Members of the HRB would receive further details on this.

The Assistant Director Housing's report set out a proposed change to the frequency of HRB meetings (from five to four per year), which would need to be made formally within the Council's Constitution. This change to the frequency of meetings would allow for better alignment with quarterly performance information. The day-to-day performance of the functions within the Housing Revenue Account were a key consideration for the Housing Review Board in terms of how they set out and derived with work plans moving forward. To ensure that this could be achieved the Board therefore needed to receive this information in a timely manner at the end of each quarter. Board members were reminded that an extraordinary meeting could be proposed at any other time throughout the year as and when required.

**RECOMMENDED:** that Council agree that the Housing Review Board terms of reference be amended so that the number of meetings is decreased from five to four per year (or more frequently as required).

## 58 **Finance report**

The accountant's report provided the Housing Review Board with a summary of the housing revenue account and housing capital program overall financial position for 2023/24 at the end of month 10 (31 January 2024). The report also considered the implications of any forthcoming regulatory changes.

Producing a Housing Revenue Account had been a statutory requirement for Councils who managed and owned their housing stock for some time, and therefore a key document for the Board to influence.

The Board noted the impact on the originally agreed budgeted surplus (£0.268m) of subsequently approved spend that was not originally included in the set budget, resulting in a revised budgeted deficit of £0.656m. Income was increased on rents by 7% and all other service charges by 3% in 2023/24. Lost rent due to voids continued to be above the budgeted levels and was likely to add an additional £0.433million to the in-year deficit as the catch-up work to reduce void levels continued. In addition to this, due to the higher levels of major works that were being addressed from the stock condition surveys, the expenditure on decants during the year had been higher than expected. This further increased the revised budget deficit to £1.374m.

The stock condition had also significantly increased the demand on the integrated asset management contract with void levels and their associated expenditure, as well as larger jobs outside the Price Per Property framework requiring significant contributions from reserves. This resulted in a final revised forecast deficit of £4.851m, to be funded by reserves/underspends in previous years. Despite the forecast deficit the Finance Manager reassured the Board that the HRA was fully financed from earmarked reserves and balances and that some of the higher than predicted spending this year was catching up on expenditure following a lack of spending in previous years.

The accountant's report explained that the completion of the stock condition survey and the creation of an asset management strategy would directly feed into the housing revenue account business plan and officers were working on a stock options appraisal position report that would consider longer term investment decisions.

The Board noted that during the year to date there had been nine right to buy sales (with another completion imminent) and three property acquisitions. These acquisitions were funded 60% from the Capital Development Fund 40% from right to buy receipts.

**RECOMMENDED:** that Cabinet acknowledge the variances identified as part of the housing revenue account and housing capital finance up to month 10 2023/24.

## 59 **Key performance indicators and compliance, quarter 3 2023/24**

The Housing Review Board were presented with the key performance indicator (KPI) dashboard and the compliance dashboard for quarter 3. The Tenancy Services Manager and the Responsive Repairs and Voids Service Manager introduced themselves and gave a presentation which summarised the performance and actions being taken to improve performance where targets were not being achieved.

Performance targets were set annually, but this year the framework began part way through the year so targets were not set for all the indicators. Figures were benchmarked against last financial years' performance and HouseMark was used to benchmark performance and set targets for the KPIs against performance of other social housing landlords.

Performance in rent arrears continued to be good and quarter three remained within target and top quartile. This was being achieved through a proactive approach to rent collection, ensuring early intervention when accounts fell into arrears and using all the appropriate tools available to stop situations worsening.

The number of voids continued to reduce month on month. Void turn-around times were also starting to show improvement, with a clear downward trend across the reporting months. There were 130 void dwellings at the end of quarter three (December 2023) compared to 168 in July 2023. Work was still required to reduce average relet times, however it was noted that a lot of long term voids were being let, which had an impact on the performance data. The Responsive Repairs and Voids Service Manager outlined to the Board actions that were being taken to ensure void property performance including the active involvement of tenants in the process, weekly contractor meetings and recruiting to a Void Manager post.

The Responsive Repairs and Voids Service Manager reported that repair jobs (both routine and emergency jobs) completed within target were improving. There were combined measures across the two main contractors reflecting service improvements being made within the contractors' operations and timely data being provided to EDDC by the contractors. Actions being taken to ensure repairs performance were outlined to the Board.

The Tenancy Services Manager highlighted to the Board the ongoing work to improve performance in relation to complaint handling. A new performance team had been established, with a Housing Performance Lead. The process for complaints was being reviewed against the new Housing Ombudsman Complaint Handling Code and a key

focus of the new Housing Performance Lead would be taking learning from complaints and ensuring this shaped future service delivery.

The Board noted the compliance dashboard which covered eight key areas of regulation and legislation requirements:

1. Asbestos
2. Electrical systems
3. Fire risk assessment
4. Fire protection systems
5. Gas safety
6. Lifting equipment
7. Smoke & Carbon monoxide alarms
8. Water management

There were a large number of green areas showing in the report and the Tenancy Services Manager explained the areas in red and the work being done in relation to these areas. It was also noted that the Planned Works and Compliance Service Manager post had been recruited in to.

Following the presentation a number of issues were raised by those present and the officers advised that they would and report on these and discuss individual issues outside of the meeting. Better ways of reporting housing issues to ward councillors were being explored. The Director for Housing, Health and Environment reassured the HRB that the housing team had gone through a lot of change in the last six months, but the service now had the right people in the right post and she was confident that things would improve going forward.

The Portfolio Holder, Sustainable Homes and Communities agreed that performance was moving in the right direction and positive improvements were being made. The amount of work going on was commendable, with 75% of KPIs being in the green. In response to a question it was noted the average re-let time (a property being ready to being occupied) was 23 days (down from 35). In response to another question about the use of garages the Housing Strategy, Enabling and Project Manager reported that a housing delivery and investment plan was being developed to consider all housing assets.

**RESOLVED:** that the Housing Review Board receives and notes performance at quarter three, 2023/24.

## 60 **Annual report of the Housing Review Board 2023/24**

The Chair presented the annual report of the Housing Review Board which summarised and highlighted the diverse range of issues covered by the Board over the year. The report gave an overview of the achievements of the Board and celebrated the progress that had been made. The Chair thanked all those involved with housing and the Housing Review Board for their huge efforts in improving the service.

It was noted that tenant satisfaction measures were undertaken annually. Officers were also currently working on tenant satisfaction transactional surveys, using advances in technology to receive live and direct feedback. Tenants were reassured that many communications options would be available. A data analyst had been appointed in the housing performance team and was regularly calling tenants.

**RECOMMENDED:** that Cabinet and Council note the work that the Housing Review Board has undertaken during the 2023-24 civic year.

**Attendance List**

**Board members present:**

Sara Clarke, Independent Community Representative  
Rob Robinson, Independent Community Representative  
Councillor Sarah Chamberlain (Chair)  
Councillor Peter Faithfull  
Councillor Tony McCollum  
Councillor Helen Parr (Vice-Chair)  
Councillor Christopher Burhop

**Councillors also present (for some or all the meeting)**

B Bailey  
I Barlow  
C Brown  
J Brown  
R Collins  
D Ledger  
S Smith

**Officers in attendance:**

Tracy Hendren, Director of Housing, Health and Environment  
Andrew King, Tenancy Services Manager  
Andrew Mitchell, Housing Solutions Service Manager  
Liam Reading, Housing Strategy, Enabling and Projects Service Manager  
Giles Salter, Solicitor  
John Symes, Finance Manager  
Alethea Thompson, Democratic Services Officer  
Susie Williams, Responsive Repairs and Voids Service Manager

**Apologies:**

Sue Dawson, Tenants  
Councillor Paul Arnott (non-committee member)  
Councillor Paul Hayward (non-committee member)

Chair .....

Date: .....

## Housing Review Board Forward Plan

### Work for scoping and/or allocation to the Forward Plan

Proposed date	Topic
Meeting 1 24/25 1 <sup>st</sup> August 2024	Housing Performance Report for Quarter 4 23/24 Housing Allocations Policy Update Financial Overview Housing Ombudsman; Statutory Complaint Handling Code Results of Tenant Satisfaction Measures (TSMs) Recruitment of Tenant Members of Housing Review Board Annual Tenant Event (Update, no paper required) Group Terms of Reference (Discussion, no paper required)
Meeting 2 24/25 7 <sup>th</sup> November 2024	Housing Performance Report for Quarter 1 (24/25) Review and replacement of Home Safeguard equipment within housing stock
Meeting 3 24/25 30 <sup>th</sup> January 2025	Housing Performance Report for Quarter 2 (24/25) Housing Asset Management Strategy Housing Acquisition and Disposal Strategy
Meeting 4 24/25 17 <sup>th</sup> April 2025	Housing Performance Report for Quarter 3 (24/25)
<b>Dates to be confirmed</b>	
TBC 3	Review of the Contract with StreetScene Services for Estate Management (1 garden scheme, 2 remaining contract)
TBC 2/3	Sheltered Housing Review
TBC 2	Social Housing Decarbonisation Fund 2.2 application determination
TBC 2/4	Review of Tenancy Strategy (draft & final)
TBC 4	Five-year investment and delivery plan (housing delivery 2024- 2029)
TBC 4	Future provision of responsive repairs delivery
TBC 2	Review of progress on the objectives of the Resident Involvement Strategy
TBC 2	Investment plan for planned maintenance
TBC 2	Investment plan for Housing Revenue Account play-sites
TBC 4	Management of leasehold properties and service charges
TBC 3	Review and implementation of digital capabilities for tenants including provision of a tenant portal
<p>Note that following the recommendations from the Centre of Governance and Scrutiny Report- the forward plan for this Committee will be aligned to the forward plans for other Scrutiny Committees and this will then link directly into the Cabinet Forward Plan. All above topics with then be aligned to the most appropriate meeting.</p> <p>This revised plan will come forward early in 2024/25.</p> <p>Review/creation of Policy and Strategy documents as required will also appear on the Forward Plan.</p>	

Report to: Housing Review Board



Date of Meeting 1st August 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Key Performance indicators and Compliance Quarter 4, 2023/24

### Report Summary

The attached key performance indicator dashboard and compliance dashboard present our performance at quarter 4 23/24. A presentation will be available on the day and will summarise the quarter 4 performance and actions being taken to improve performance where we are not achieving target.

#### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

#### Recommendation:

The Housing Review Board receives the report and our performance at quarter 4, 2023/24.

#### Reason for recommendation:

To ensure the Housing Review Board have assurance around service delivery, performance and compliance with our health & safety responsibilities. To enable the Board to scrutinise and challenge the performance of the housing service.

Officer: Amy Gilbert Jeans, [agilbert-jeans@eastdevon.gov.uk](mailto:agilbert-jeans@eastdevon.gov.uk)

Portfolio(s) (check which apply):

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

**Equalities impact** Low Impact

**Climate change** Low Impact

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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**Financial implications:**

There are no financial implications requiring comment

**Legal implications:**

There are no legal implications on which to comment

# Housing Service Performance

(as at 31-Mar-2024)

























● Within Target, ● Close to Target, ● Outside Target, 📊 Cumulative Measure, ⬇️ Minimum Target, ⬆️ Maximum Target

TABULAR SUMMARY 2023/24										
PI Code	Performance Indicator	Final 2022/23	Q1 (Apr-Jun)	Q2 (Jul-Sep)	Q3 (Oct-Dec)	Q4 (Jan-Mar)	Year To Date	2023/24 Target	Top Quartile	Comments
<b>INCOME MANAGEMENT</b>										
IM01	% of rental income for all dwellings that was collected	100.2	● 99.4	● 100.09	● 100.04	● 100.46	● 100.46	98 ⬇️	100.48	Finished the year with a great collection rate. Please note the figure exceeds 100% as it includes collection of former tenancy debts.
IM02	Rent arrears of current and former tenants as a % of annual rent debit	2.21	● 2.17	● 2.03	● 2.03	● 2.03	● 2.03	2.53 ⬆️	3.16	Arrears within top quartile figures at year end.
IM03	Rent arrears of current tenants as a % of annual rent debit	1.81	● 1.78	● 1.57	● 1.49	● 1.46	● 1.46	1.82 ⬆️	2.18	As per IM02
IM04	Rent arrears of former tenants as a % of annual rent debit	0.4	● 0.39	● 0.46	● 0.54	● 0.57	● 0.57	0.65 ⬆️	0.72	As per IM02
IM05	% of rent lost through properties becoming vacant	3.33	● 6.83	● 5.38	● 4.16	● 3.65	● 3.65	2.5 ⬆️	0.9	Improvement in performance compared to the previous quarter
IM06	Rent written off for all dwellings as a % of rent debit	0.04	● 0.1	● 0.18	● 0.23	● 0.14	● 0.14	0.1 ⬆️	3.4	Write offs happen on a quarterly basis and include many tenancies where the tenant is deceased and there is no money in the estate to clear the debt. An extremely low figure of write-offs far into the upper quartile.
IM07	% of rental income for all garages that was collected	100.49	● 99.86	● 99.48	● 99.84	● 100.38	● 100.38	99 ⬇️	-	As per IM01
IM08	Rent arrears of current and former garage tenants as a % of annual rent debit	1.19	● 1.34	● 1.29	● 1.3	● 1.3	● 1.3	2 ⬆️	-	Arrears below target figure at year end.
IM09	% of rent lost through garages becoming vacant	0.34	○ 0	○ 0	○ 0	○ 0	○ 0	- ⬆️	-	0 garages to be re let in this period (not including garages removed from management)
<b>ASSET MANAGEMENT</b>										
AM01	% of routine repairs completed within target	79.06	● 73.13	● 72.65	● 77.86	● 79.08	● 75.87	90 ⬇️	95	At the end of March 2024 IWS completed 95% of repairs within target with the average completion time of 14 days. Liberty Gas' performance requires improvement and plans are in place to address this.
AM02	% of emergency repairs completed within target	80.14	● 63.13	● 71.57	● 84.74	● 86.4	● 77.66	100 ⬇️	100	At the end of Q4 IWS were completing over 95% of emergency repairs within target.

AM03	% of repairs outstanding and overdue	40.89						5		-	At the end of Q4 IWS had circa 10% jobs open and overdue. Liberty's figure is around 60% overdue. Plans are in place to address this.
AM04	% of gas servicing carried out within 12 months of previous service	99.84						100		100	One property went out of compliance in March due to access issues and a Legal visit being required.
AM05	Average SAP rating (energy efficiency) of Social Housing rental dwellings	67.62						-		73.02	Latest figure provided by Currie & Brown as part of the Stock Condition Survey.
AM07	Number of dwellings taken out of management	6						N/A		-	Of these 12 properties, 4 have been sold through the Right to Buy process but currently reported as Out of Management, 5 are with Estates due to ASB Issues, 2 with Property & Assets and 1 query with Housing Systems.
AM08	Number of garages taken out of management	367						N/A		-	These garages cannot be let due to disrepair or the site being earmarked for potential development
AM09	% of garages vacant and available to let	0						1		-	Within Target - 0 lettable garages vacant and available to be let
AM10	% of garages vacant and not available to let	0						-		-	All garages vacant and not available to let have been taken out of management.
AM11	% satisfaction with completed day to day repairs	94.17						85		92.65	The zero % figure indicates no data collected, rather than zero satisfaction. Plans are underway for transaction surveying which will serve to bridge this data gap.
AM12	% satisfaction with planned works	No Data						85		-	This figure is a drop of 5% on the February figure, it relates solely to the Kitchen & Bathroom Upgrade programme being delivered by Ian Williams, it does not include any of the Planned Works being delivered by the Reactive Team.
AM13	Number of dwellings in Housing stock	4,178						N/A		-	A reduction of 5 properties compared to 2022-23
AM14	% of stock condition surveys completed	No Data						-		-	4522 out of 5202 assets surveyed (assets include more than residential dwellings, hence the numbers being higher than our residential stock figures)
AM15	Ian Williams WIP (Work In Progress)	1,002						850		-	An extremely pleasing reduction in WIP, both via data validation work and improvement in services. Now within target.

AM16	Number of new build homes	0						30		-	No EDDC new builds in 2023/24
AM17	Number of affordable homes delivered	181						N/A		-	Developers slowing down delivery due to high interest rates and cost of borrowing
AM18	Number of acquisitions	3						N/A		-	March = 2 Kendall House Honiton, 31 Gibson Close Exmouth, 31 Moorfield Close Exmouth, 28 & 30 Calves Close Cranbrook
AM19	Number of completed RTB sales	32						N/A		-	This month we have sold one house and one flat. First completions this year. Another four properties to complete in due course.
AM20	Number of open Damp & Mould jobs	51						-		-	The number of damp and mould jobs has decreased as expected. This will further decrease as we review our process.
<b>TENANCY MANAGEMENT</b>											
TM01	% of self contained dwellings vacant and available to let	0.46						0.5		0.33	These final figures equate to 19 properties. Whilst within Target, the increase from Q3 is attributed to progress made on outstanding voids bringing 17 properties to lettable standard in one day.
TM02	% of self contained dwellings vacant and not available to let	3.4						1.5		0.32	This figure equates to 108 properties that are with Contractors, P&A or Estate Management. Whilst we are still in the process of reducing these numbers, this is a pleasing reduction across the year.
TM03	Average days to relet a social housing rental dwelling (Standard)	202.06						78		29.6	As with the above, whilst this is a longer journey we are travelling on, the continued decrease per quarter is testament to the focus and works being done in this area.
TM04	Number of ASB cases reported	47						N/A		-	This figure is for monitoring case numbers only. Higher end of year figure likely connected to improved recording of cases as part of ongoing data improvement work in our Estate Management Team.
TM05	Number of evictions	4						0		-	Of these 12 properties: 4 of these were temporary accommodation which is dealt with by the Options team. 2 were for tenants currently in prison and in rent arrears so we had to take action through the courts to get the property back. 1 had over £5K in rent arrears. 3 were abandoned properties. 1 was a garage.

TM06	% of tenancy visits completed		○	○	○	○	○	-	↓	-	Tenancy Visit/Inspection under review. Following staffing challenges and structural changes during FY 23/24, it was agreed that we would focus our efforts to visit tenants where concerns have been flagged, rather than attempting to visit every tenant in 1 year.
		0.08	0.18	9.9	16.22	23.33	23.33				
TM07	Number of current Decants	No Data	●	●	●	●	●	N/A		-	Data not reflective of actuals. Data set under review.
			13	9	8	8	8				
TM08	% of 6 monthly Estate Inspections completed		●	●	●	●	●	100	↓	-	Staff shortages in Q4 meant senior management have had to make decisions on priorities for the estates team. Focus has been on Fire Safety Visits to our blocks rather than the Estate Inspections. This process is under review.
		0	4.52	47.64	25.05	28.89	28.89				
TM09	Number of current void dwellings	160	○	○	○	○	○	-	↑	-	This is a 30% reduction in voids compared to 2022-23
			177	151	128	123	123				
<b>HOUSING ALLOCATIONS &amp; OPTIONS</b>											
HA01	Number of properties ready to let	19	●	●	●	●	●	N/A		-	Of the 15 properties ready to let at year end, 6 had a tenancy start date, 4 were Under offer and 5 at shortlisting
			27	26	12	15	15				
HA02	Number of properties allocated (including mutual exchanges)	247	●	●	●	●	●	N/A		-	This is a 54.6% increase in the number of properties allocated compared to 2022-23
			60	117	100	105	382				
HA03	Number of residential tenancies terminated	321	●	●	●	●	●	N/A		-	This is a 13.3% increase in the number of properties terminated compared to 2022-23
			77	94	93	100	364				
HA04	Number of households on the waiting list	5,374	●	●	●	●	●	N/A		-	This is a 12.5% increase in the number of households compared to 2022-23
			5,449	5,731	5,857	6,209	6,209				
<b>BUSINESS MANAGEMENT</b>											
BM01	Average number of working days per person lost through sickness	23.54	●	●	●	●	●	8.5	↑	7.9	At the end of February 24 we were on track for an end of year outturn of an average of 18.25 FTE days per person, however an increase in absence cases from 1.05 FTE days per person in February to 2.4 days FTE days per person in March has impacted the final end of year outcome adversely and is now 19.13 days per person, however this is an improvement on 22/23 when it was 23.54 FTE days per person
			21.96	8.65	12.23	19.13	19.13				
BM02	% of employee PERS completed	89.22	●	●	●	●	●	100	↓	-	The new PER season starts with effect from 1st April 2024 and this will run to 30th June 2024. No PER returns are expected for this new year until at least 1st May 2024
			66.91	85.4	87.8	87.8	87.8				

BM03	% satisfaction with the way your complaint was dealt with	16.3	 16.3	 16.3	 16.3	 16.3	 16.3	85 	-	This figure is from the 2022/23 TSM survey. The figure will be updated with the 2023/24 TSM survey figure in FY 24/25.
BM04	% of complaints responded to and closed within 20 days	39.69	 31.25	 10	 12.77	 8.43	 13.37	100 	95.6	Housing received 207 complaints in total across the year 2023/2024. This compares to 117 complaints for the year 2022/2023. The highest percentage of complaints are related to the responsive repairs service. The increase in complaints overall has seen our response times increase and we are currently working to ensure we can respond within the timeframes set out within the Housing Ombudsman's refreshed Complaint Handling Code.
BM05	% of calls answered within 1 minute	46.58	 53.63	 53.65	 44.57	 40.73	 48.07	80 	74.5	
BM06	Number of accidents reported	3	 0	 0	 0	 3	 3	0 	-	There were 3 accidents reported in February & March 2024. One was later reported as a violent incident and the other arose from an employee whose medical condition deteriorated whilst at work. We are now gathering and reporting on violent and aggressive incidents in housing so that we can understand the impact for staff and ensure that measures are put in place to reduce risk. We can report that between August 2023 and April 2024 38 incidents of aggression or violence were reported.

Report to: Housing Review Board



Date of Meeting 1<sup>st</sup> August 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Review of Housing Allocation Policy

### Report summary:

To provide the Housing Review Board with the updated version of the Housing Allocation Policy

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendations:

That members note and approve the updated Housing Allocation Policy.

### Reason for recommendations:

That the Council has an up to date policy that ensures allocations of Council properties are effectively managed.

Officer: Andrew Mitchell. Housing Solutions Manager

### Portfolio(s) (check which apply):

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

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk; .

**Links to background information** [www.devonhomechoice.com](http://www.devonhomechoice.com) f

**Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
  - A greener East Devon
  - A resilient economy
- 

## Report in full

### 1. Background

- 1.1 Housing Authorities are required by the Housing Act 1996 s166A (as amended by the Localism Act (2011) and the Homelessness Reduction Act (2017) to have an allocation scheme for determining the priorities and defining the procedures to be followed in allocating affordable housing accommodation.
- 1.2 Devon Home Choice (DHC) is the Choice Based Lettings scheme adopted by EDDC and other Local Authorities, and includes the majority of Registered Providers operating within Devon. The Devon Home Choice policy and procedures are regularly reviewed through bi-monthly Management and Operational meetings, both of which include a representative from EDDC, ensuring consistency across the county.
- 1.3 Housing is allocated through this jointly operated Choice Based Lettings scheme. The Housing Allocations team co-ordinates and maintains the East Devon DHC waiting list. The team is responsible for the allocation of the Council's own housing stock and this policy ensures that allocations are effective and transparent.

### 2 Policy Updates

- 2.1 This policy has been amended to reflect relevant changes originating from legislation, the Consumer Standard, recommendations from an Ombudsman case and a previous HRB report focusing on downsizing.
- 2.2 Amendments and additions are recorded on pages 1 and 2 of the policy, within a table listing the history of the most recent policy changes. Amendments include data protection considerations and added sections on management moves and downsizing. Also included is confirmation of criteria for allocating sheltered accommodation.

### 3 Sheltered accommodation

- 3.1 The Policy has been adapted in line with the recent decision to redefine the criteria for sheltered accommodation. Properties which were previously specified as 'sheltered' will only be allocated to those over 55 years of age with a housing support need.
- 3.2 Exceptional circumstances will be considered for applicants demonstrating a housing support need but who do not meet the age criteria. These cases will be reviewed on a case-by-case basis by the relevant service managers.
- 3.3 This change in criteria will not effect tenants already living in sheltered housing, it applied to new lets only.

# Housing Allocation Policy

Issue details	
<b>Title:</b>	<b>Housing Allocation Policy</b>
<b>Version number</b>	<b>Version 6.0</b>
<b>Officer responsible:</b>	<b>Housing Solutions Manager</b>
<b>Authorisation by:</b>	<b>Housing Review Board</b>
<b>Authorisation date:</b>	

History of most recent Policy Changes – Must be completed			
Date	Section	Change	Origin of change (eg change in legislation)
08.10.21	5	Data Protection considerations	Legislation
06.06.23	2.1.2	Figure updated to bring up to date	Update
06.06.23	2.19 & 2.20	To review our housing allocation policy, to say what is classified as a direct let and to say what the trigger is for a direct let/managed move and define the process to facilitate such moves. Section on management moves added	Ombudsman ruling June 2023
06.06.23	2.21	Section on downsizing added, following a report on downsizing grants being presented to the Housing Review Board in January 2023	Housing Review Board
07.06.23	2.1.8.9	To add reference to how our lettings will contribute to local authorities' strategic housing function and sustainable communities	Consumer Standard 1.1.1(c)
07.06.23	2.2.6 expanded	To add reference to how we shall develop allocations processes in a way which supports their effective use by the full range of actual and potential tenants, including those with support needs, those who do not speak English as their first language and others who may have difficulties with written English	Consumer Standard 2.1.4
08.06.23	2.1.1, 2.3.3, 2.7.1, 2.11.1	Updated references to legislation	Legislation

08.06.23	2.5.1.6	Maximum Household Income Levels amended in line with Local Housing Allowance levels	Update
08.06.23	2.15.2	Word 'reasonableness' added when referencing offers	Update
07.06.24	2.23.1	Policy adapted in line with the amendment to the criteria for sheltered properties. Sheltered accommodation to be allocated to those over 55 year olds only.	Update
04.07.23	2.22.1	Policy concerning adapted properties altered in line with the amendment to the criteria for sheltered properties. Sheltered accommodation to be allocated to those over 55 year olds only.	Update

## 1 Why has the council introduced this policy?

To explain how the Council's Housing Service will use Devon Home Choice to allocate homes available for rent.

## 2 What is the council's policy?

### 2.1 Introduction

- 2.1.1 Housing Authorities are required by the Housing Act 1996 s166A (as amended by the Localism Act (2011) and the Homelessness Reduction Act (2017) to have an allocation scheme for determining the priorities and defining the procedures to be followed in allocating affordable housing accommodation.
- 2.1.2 East Devon District Council (EDDC) has a housing stock of 4175 dwellings as of April 2024. In addition to this, there are a number of Registered Providers (RP's) operating within East Devon.
- 2.1.3 Devon Home Choice (DHC) is the Choice Based Lettings scheme adopted by EDDC and other Local Authorities, and includes the majority of RPs operating within Devon. Housing is allocated through this jointly operated Choice Based Lettings scheme.
- 2.1.4 The Housing Allocations team co-ordinates and maintains the East Devon DHC housing waiting list. The team is responsible for the allocation of the Council's own housing stock. The Housing Allocations team works in partnership with other RP's of affordable housing within East Devon. Where appropriate, the Council will provide nominations to other RP's, where required following a bidding process.
- 2.1.5 The DHC scheme is very prescriptive and sets out how RP's and Local Authorities will label (give preference to certain applicants where necessary) and let their own properties.
- 2.1.6 The scheme sets out how the circumstances of housing applicants will be verified to ensure that they are eligible for an offer. Individual RP's have their own allocation policies and will verify applicant's details to ensure they meet the criteria contained within them.
- 2.1.7 This policy offers an explanation of when the preference labels (as defined by DHC) will be used and methods for validation of the label. Each of these labels has a definition. Some properties may be excluded from the DHC Scheme for management reasons as listed in this policy. This policy will ensure that the procedures of EDDC are adhered to in line with the provisions of the DHC scheme and should be read in conjunction with it. Further information about DHC can be found at [the Devon home choice website](#).

- 2.1.8 In delivering our Housing Allocation Policy, the Council will seek to meet the following objectives:-
- 2.1.8.1 To operate a scheme which is open, fair, and consistent within the District
  - 2.1.8.2 To improve accessibility and services for vulnerable applicants
  - 2.1.8.3 To allow applicants to understand and control their housing situation so they may make informed decisions on their housing options
  - 2.1.8.4 To enable access to a wide range of housing options, services and advice to find the best solution to meet particular needs
  - 2.1.8.5 To prevent homelessness and to reduce the use of temporary accommodation through an effective prioritisation scheme
  - 2.1.8.6 To make best use of the housing stock within the District
  - 2.1.8.7 To be compliant with current legislation.
  - 2.1.8.8 To ensure the validity of applications by cross checking and verifying information provided e.g. medical evidence, proof of address, earnings and benefits etc
  - 2.1.8.9 Practices and procedures that contribute towards the Council's strategic housing function and sustainable communities include, but are not limited to, local lettings, sensitive lets, management moves, direct lets and downsizing. All of these practices are detailed within this Policy.

## **2.2. Scope**

- 2.2.1 The Council also uses DHC to assess housing need. The system allows applicants to make a choice about the housing which will best meet their needs, from the options that are available, whilst still meeting the Council's statutory duties to those in greatest housing need.
- 2.2.2 When an applicant has been accepted onto Devon Home Choice, they will be able to view properties that the Council and RP's are advertising on the system. The advertisements will provide details of the property, the rent to be charged and the tenure the property is offered under. Applicants will then be able to apply/bid for the property of their choice as long as they meet the relevant qualifying criteria.
- 2.2.3 Properties are advertised on a weekly basis. At the close of the bidding period the Council will consider the shortlist of applicants and select the applicant who meets the need for the property. Consideration will be given to banding and time on the housing register. Checks will be done to ensure that the allocation would make best use of stock.
- 2.2.4 Feedback on the bidding cycles is published on the DHC website at the end of each quarter of the financial year. This provides information on successful lets.
- 2.2.5 Under the Localism Act 2011, EDDC has taken the opportunity to restrict access to the housing register and to prioritise those in the most housing need. This is on the basis that the supply of affordable housing does not currently meet the demand. Housing is a limited resource which needs to be targeted at those in the greatest housing need.
- 2.2.6 Access to the housing register will be via an application through the DHC website. For potential applicants unable to utilise this facility a telephone application may be accepted. Special arrangements will be made for potential applicants unable to access Devon Home Choice through these routes, and also applicants with support needs, applicants who have difficulties with written

English and applicants who do not speak English as a first language The Housing Allocations team will be able to provide advice and assistance, if required.

2.2.7 The Housing Allocations team can provide guidance and will offer realistic advice in terms of the chances of success. Evidence of an applicant's housing history, income, medical needs, criminal convictions, family make up and any other information that may be required will be sought when considering a property allocation.

2.2.8 On completion of the DHC application form and the receipt of any additional information or supporting evidence relating to the applicant's eligibility and housing need, a relevant priority for the applicant will be awarded. The application will be reviewed by the Devon Home Choice Officer to ensure that the banding is correct. Further verification of the information provided by the applicant may be required.

## **2.3 Eligibility**

2.3.1 Anyone over 16 years of age and over can apply to the housing register if they are eligible. However this does not guarantee housing under the scheme, as, by law, there are defined groups of applicants who cannot be re-housed. An applicant's eligibility for the scheme will be assessed before access is given to complete an application. It may be necessary to provide evidence of eligibility during the process which will include at least 5 years of past housing history. The Council cannot provide accommodation to ineligible applicants.

2.3.2 Applicants under the age of 18 will only be considered with a guarantor. Upon their 18<sup>th</sup> birthday they will be required to sign a tenancy agreement.

2.3.3 Under the Housing Act (1996) as amended by the Localism Act (2011) and the Homelessness Reduction Act (2017), Local Authorities must consider whether applicants are eligible for housing assistance. This relates to some applicants who may have been living abroad or who do not have permanent permission to remain in the UK. Some applicants will be ineligible, whether or not they are subject to immigration control. Regulations relating to this may be updated regularly.

## **2.4 Who is not eligible?**

2.4.1 The Council cannot by law allocate housing accommodation to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996) unless they fall within a class exempted from this restriction by Government regulations.

2.4.2 In addition, the Council cannot, by law, allocate housing accommodation to other classes of persons from abroad if Government regulations dictate we cannot. Please visit the DHC website for more information relating to non-eligible applicants.

## **2.5. Other Further Restrictions**

2.5.1 Under the Localism Act, the Council can further restrict applicants from being included onto the housing register. These will include circumstances where:

2.5.1.1 Applicants or members of their household have been found guilty of unacceptable behaviour making them unsuitable to be a tenant at the time an application is made unless a proven sustainment of good behaviour for a period (normally up to 12 continual months) is provided. Behaviour is deemed unacceptable only if it is of a kind that would entitle a landlord to a Possession Order.

2.5.1.2 An existing social housing tenant / licensee requests a transfer but has not maintained their current property to an acceptable standard; or has accrued rent arrears or other charges or debts; or has proven instances of anti-social behaviour (ASB). Evidence of sustained debt clearance, good behaviour and engagement with a Landlord, normally for a period of up to 12 months will be needed as well as an

affordability assessment. A letter of support / reference for a transfer will need to be provided from the Landlord.

- 2.5.1.3 An existing private tenant / licensee has not maintained their current property to an acceptable standard; or has accrued rent arrears or other charges or debts; or has proven instances of ASB. Evidence of a sustained attempt at debt clearance, an affordability assessment will be required and / or good behaviour and engagement with a Landlord, normally for a period of up to 12 months, may be taken into account. A letter of support / reference for a transfer will need to be provided from the Landlord.
- 2.5.1.4 Applicants have current or former rent arrears or have accrued other property related charges unless there has been a sustainment of debt clearance and attended an affordability assessment for a period, normally up to 12 months.
- 2.5.1.5 The period of up to 12 months for good behaviour and engagement, is considered on a case by case basis and may be reduced this will be at the council's discretion.
- 2.5.1.6 Households with a gross household income more than six times higher than the relevant Local Housing Allowance level prevailing in Devon / Exeter / Dorset at the time will normally be considered to be able to meet their own housing need, either through private purchase or rent. Such households will be classed as having No Housing Need and will be removed from the Devon Home Choice register. (See income / saving levels)

## Maximum Household Income Levels

Given the current Local Housing Allowance levels in Devon the income thresholds are as follows:

1 bed self contained	2 bed	3 beds or more
£41,000	£49,000	£60,000

- 2.5.1.7 Applicants have been evicted from mortgaged properties where the property was deemed to be affordable for them.
- 2.5.1.8 Applicants have been removed from DHC waiting list for 3 refusals and will remain excluded for a further 12 months.

## 2.6. Notifying an ineligible or non-qualifying customer

- 2.6.1 Applications from ineligible or non-qualifying applicants will not be accepted on to the DHC Housing register. The applicant will be notified of the decision of ineligibility or non-qualification and the grounds for the decision.
- 2.6.2 If an applicant is accepted onto the DHC register, but subsequently becomes ineligible, their housing application will be removed and the applicant notified. Under such circumstances, any offer of accommodation that may have been made will be considered null and void and rescinded. Applicants found to be ineligible or non-qualifying have the right to ask for a review of the decision.
- 2.6.3 Mitigation of behaviour that has led to exclusion or non-acceptance may be taken into account as will circumstances where applicants are excluded but are deemed to be at risk if they do not move. In both cases a sustained programme of monitored engagement with the Council's Housing Allocations team will be expected.

## **2.7. Assessment of housing need**

2.7.1 All applicants who are accepted onto the DHC Housing Register will have their application assessed and be awarded an appropriate band based on an assessment of their housing need in accordance with the allocations scheme. The band categories are defined in the DHC scheme. See [www.devonhomechoice.com](http://www.devonhomechoice.com) for current policy. This is to ensure that the Council meets its legal obligations as set out in the Housing Act (1996) as amended by the Homelessness Reduction Act (2017)

## **2.8. Reasonable Preference**

2.8.1 By law Local Authorities must award 'reasonable preference' to certain categories of applicant:

- 2.8.1.1 Applicants who are homeless within the meaning of part 7 of the Housing Act 1996 (including those who are intentionally homeless and those not in priority need)
- 2.8.1.2 Applicants who are owed a duty by any Housing Authority under the Housing Act 1996 section 190 (2), 193 (2) or 195 (2) or the Housing Act 1985 section 65 (2) or 68 (2), or who are occupying accommodation secured by any such Authority under section 192 (3).
- 2.8.1.3 Applicants who are occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- 2.8.1.4 Applicants who need to move on medical, support or welfare grounds, including grounds relating to disability.
- 2.8.1.5 Applicants who need to move to a particular locality in the district of the Authority where failure to meet that need would cause hardship to themselves or others.
- 2.8.1.6 The DHC allocations scheme is based on a banded system which gives reasonable preference to the above categories of applicants along with additional preference given to current or former members of the armed forces, their spouses or civil partners, as set out below. Further additional preferences may be applied to meet local and/or other legislative priorities.

## **2.9. Additional Preference**

2.9.1 Under the provisions of The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 additional preference is given to applicants who fall within one, or more, of the statutory reasonable preference categories and are in urgent housing need: (These are detailed in the current Devon Home Choice Policy).

- 2.9.1.1 Serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- 2.9.1.2 Former members of the regular forces.
- 2.9.1.3 Bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly, or partly, attributable to their service.
- 2.9.1.4 Existing or former members of the reserve forces who are suffering from a serious injury, illness or disability which is wholly, or partly, attributable to their service.

- 2.9.1.5 For the purpose of eligibility and assessment of financial status any compensation payment for an injury or disability sustained on active service will be disregarded.

## **2.10 Local connection**

2.10.1 Local connection for the housing register is deemed as an applicant who:

- 2.10.1.1 Has lived in the district for at least 6 of the last 12 months.
- 2.10.1.2 Has lived in the district for at least 3 out of the last 5 years; or
- 2.10.1.3 Has a contract of permanent employment within the district; or
- 2.10.1.4 Has a close family connection<sup>1</sup> with someone who currently lives in the district and has done so for 5 or more years. \*Parents, Siblings and Non Dependent Children.
- 2.10.1.5 The Council has the right to allocate applicants with a local connection to East Devon and includes property in Designated Isolated Area's (DRA)

## **2.11 Exceptions to Local Connections**

2.11.1 The only exceptions to these criteria, and subject to the property are:

2.11.1 Homeless applicants (where-by the local connection criteria as laid down by the Housing Act 1996 as amended by the Homelessness Reduction Act (2017) would apply, reference section 10.1 of the Homelessness Code of Guidance).

2.11.2 The applicant was placed or relocated outside the district due to illness, need for temporary accommodation, military service, and provision of care or other exceptional circumstances and needs to return to live in the district.

2.11.3 The applicant needs to relocate from another district to escape violence or harm.

2.11.4 The applicant needs to relocate to the district to receive support to rehabilitate and integrate back into the community.

2.11.5 The applicant as defined by the Allocation of Housing (qualification Criteria for Armed Forces) (England) Regulations 2012 (SI2012/1869) is

2.11.5.1 A person currently serving in the regular forces or who has served in the regular forces at any time in the five years preceding their application.

2.11.5.2 A bereaved spouse or civil partner of a person serving in the regular forces where their entitlement to accommodation with the Ministry of Defence has ceased and the death of that person was wholly or partly attributable to that person's service.

2.11.5.3 An existing or former member of the reserve forces who has suffered from a serious injury, illness or disability which is wholly or partly attributable to their service.

2.11.6 The applicant is an existing social housing tenant ( in England ) who is employed within East Devon, or who has an offer of employment within East Devon and a genuine intention to take up the offer, and has a reasonable preference to move to the area to avoid hardship.

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<sup>1</sup> \*Close family connection is defined as a person who is a parent, spouse, civil partner, child or sibling of the applicant or someone who, in the opinion of a Housing Allocation officer, has a relationship with the applicant that can be construed as a close family connection even though not related by blood.

## **2.12. Application Review**

2.12.1 Regular annual reviews will be undertaken to check that applicants have been bidding for properties and that information provided is up to date. Applicants who wish to remain on the waiting list must complete the online form or complete a review with the Housing Allocations Team.

2.12.2 If there is no response within 14 days of contacting an applicant who has not been bidding, the application will be deemed to have been cancelled and the customer notified of this in writing. Reviews will be implemented by using the Devon Home Choice review systems. Applicants who are subject to being cancelled / removed from the system will be checked for any vulnerability.

## **2.13 Non-bidding Review**

2.13.1 Applicants who have not bid on a property within the last 6 months will be contacted and advised that they are to be removed from the register if they do not bid on properties each month.

2.13.2 Applicants wishing to remain on the register must contact the Housing Allocations Team to explain why they have not been bidding. Only where there is a justifiable reason for non-bidding, for example, if someone needs an adapted property or has a requirement to be in a specific location and no properties having been available within the 6 month period, the applicant will be allowed to remain on the register.

## **2.14 Refusal of offers**

2.14.1 An applicant's position within the register may be affected if they continually refuse an offer of accommodation which they have bid for and have successfully been offered. An applicant will have their banding reduced to the minimum band following the refusal of at least 3 properties in such circumstances unless there were acceptable reasons for those refusals or the application may be cancelled, the final decision will be referred to the Housing Allocations Manager.

## **2.15 Refusal of offers by homeless applicants**

2.15.1 Applicants who have been accepted as being owed a duty by the Council under homelessness legislation will be awarded Band B. Applicants will be entitled to bid for properties in the same way as other applicants. If an applicant is not active in bidding for properties, the Housing Options Team may make bids on their behalf on properties they deem suitable for the applicant.

2.15.2 Where a homeless applicant is allocated a property through the housing register process, the Council has a responsibility to determine the suitability and reasonableness of the allocation. This will be determined in the light of the household's particular circumstances and with regard to the housing conditions prevailing in the District at the time.

2.15.3 Where a homeless applicant is offered a property in discharge of the full homeless duty, but does not feel it is a suitable offer, they have the right to request a review of the offer. Applicants will be advised to accept the offer whilst the review is carried out. If, on review, the property is felt to be a reasonable offer, no further offers of accommodation will be made and the Council will discharge its duty. If the applicant is in temporary accommodation provided by the Council, the applicant will be given notice to leave that accommodation. If, on review, the property is felt to be unsuitable then a further offer of suitable accommodation will be made. The timescale for this will be dependent on the type and size of property required.

## **2.16 Cancelling an Application**

2.16.1 An application will be cancelled from the housing register in the following circumstances;

2.16.1.1 At the applicant's request.

- 2.16.1.2 If the applicant becomes ineligible for housing.
  - 2.16.1.3 When the applicant has been adequately and appropriately re-housed including into the private rented sector. Applicants are expected to update DHC, as a consequence the DHC banding will be reduced to E band.
  - 2.16.1.4 Where an applicant fails to ensure that the information in their application is up to date, their application will be suspended.
  - 2.16.1.5 When the applicant purchases a property/shared ownership property.
  - 2.16.1.6 When an applicant fails to bid in a 6 month period and provides no justifiable reason for not bidding.
  - 2.16.1.7 Where an applicant moves and does not provide contact details. In this case the application will be suspended, unless no response is received.
  - 2.16.1.8 An executor or personal representative notifies the Council that an applicant is deceased (unless the rest of the household still needs rehousing).
  - 2.16.1.9 Where an applicant has omitted to include information on their application which makes them ineligible for housing (for example criminal convictions).
  - 2.16.1.10 Applications can be suspended for a period of up to two years if information is found to be false, omitted or considered to be misleading.
  - 2.16.1.11 An applicant can appeal their suspension decision by contacting the council in writing, addressing their appeal to the Housing Allocations Manager.
- 2.16.2 When an application is cancelled, the Housing Allocations team will contact the applicant or their representative, either by email or letter, to notify them. Where an applicant has been highlighted as vulnerable, the customer's circumstances will be verified before an application is cancelled. The applicant has a right to ask for a review of the decision.
- 2.16.3 Where an applicant wishes to re-join the housing register at a later date, their application date will be the date they reapply, this will only apply if there has been a change of circumstances.

## **2.17 Local Lettings**

- 2.17.1 Some properties are built to meet identified local needs of a particular parish or community and have local lettings criteria attached to them. Preference will be given to applicants who have a local connection meeting those criteria, as stated in the Section 106 planning agreement. These agreements will be highlighted in the property advert.

## **2.18 Sensitive Lets**

- 2.18.1 On occasion, the Council may advertise some properties as sensitive lets. This may be because of ASB problems and the need to ensure the right mix of tenants in an area. Sensitive lets will be agreed between the landlord and the Housing Allocations Manager. This may result in applicants on the top of the shortlist being bypassed for a more appropriate applicant.

## **2.19 Management Moves**

- 2.19.1 In certain circumstances Devon Home Choice can be used as a management tool to resolve issues affecting a block or estate by increasing the banding of the tenant's Devon Home Choice application.

- 2.19.2 This priority may only apply where it has been agreed as an appropriate solution between the landlord and the Housing Allocations Manager to resolve an issue affecting a block or estate, and when all other tools available to the landlord have proven ineffective. For example to move a victim of anti-social behaviour where all other courses of action (including action against the perpetrator) have been exhausted.
- 2.19.3 A decision on these grounds would normally only be made where leaving the particular household in the existing property would seriously and negatively impact upon the quiet enjoyment of the tenant or neighbouring residents.
- 2.19.4 Where agreed it should normally be seen as part of a package of support measures for that particular household, but only rarely would it be the only support measure being employed to achieve a solution. Typically it would arise out of a multi-agency strategy.
- 2.19.5 It should not be used as an alternative to enforcement action for anti-social behaviour, nuisance, or any other breaches of tenancy.
- 2.19.6 A Devon Home Choice application will be completed by the landlord will accompany all such requests. The applicant will be able to identify their own preferred housing solutions in the normal way, however it will need to be recognised that where restrictions are made as to the type of location of properties which may be acceptable, that this may well reduce the prospects of such accommodation becoming available.

## **2.20 Direct Lets**

- 2.20.1 In certain circumstances, the Council may allocate properties directly to applicants without them being advertised. Direct lets will be agreed by the Housing Solutions Manager based on supporting evidence provided by the member of the Housing Service responsible for the case, explaining the case and benefits provided by a direct match being enabled. Illustrative examples of direct lets are as follows:
- 2.20.1.1 Where a property is needed urgently to deal with an emergency or to provide temporary accommodation for a homeless family.
- 2.20.1.2 Where in exceptional circumstances an offer is required to prevent the homelessness of an applicant who would otherwise be requiring temporary accommodation, or similarly to expedite their move on from temporary accommodation.
- 2.20.1.3 Where an allocation is required to ensure protection of the public, for example, following a decision made by a Multi-Agency Public Protection Arrangements (MAPPA) meeting or to fulfil agreements made with offender management services, or where a customer has been referred as part of the witness protection scheme.
- 2.20.1.4 Where an applicant's home is being repaired and they need to be moved from the property on a temporary or permanent basis.
- 2.20.1.5 Where an applicant has a specific need for support / adaptations. If they remained in their current accommodation it would cause unnecessary hardship e.g. unable to meet their basic needs.

## **2.21 Downsizing**

- 2.21.1 There is an increasing need to make the best use of the housing stock within the district in order to ensure communities are sustainable. Due to the high demand for all EDDC properties, and in particular larger family homes, actions need to be taken in order to ensure that additional properties are made available for families whilst at the same time looking after the health and wellbeing of older tenants who may be struggling with looking after and affording a larger property.

- 2.21.2 Assistance will be provided for tenants either expressing a need to downsize or being identified as benefitting from downsizing. Tenants wishing to downsize will be registered on Devon Home Choice. Applicants wishing to move to a property with fewer bedrooms will be banded as 'B' to reflect a high housing need if they have at least one vacant bedroom in their current home. Once registered on Devon Home Choice, tenants will be able to bid for smaller properties that meet the needs of the household. EDDC does not allow under occupation of homes even for applicants who are downsizing.
- 2.21.3 Instances of downsizing are considered on a case by case basis for tenants moving from one social housing property to another.
- 2.21.4 There are a range of financial incentive payments available aimed at encouraging and increasing downsizing opportunities. Information regarding downsizing can be obtained by contacting the Housing Allocations Team including details of financial incentive levels for downsizing for all tenants who either express an interest or need to downsize, or tenants who have been identified as under occupying and potentially benefitting from a move to a smaller property.

## **2.22 Adapted Properties**

- 2.22.1 Some properties have been adapted and may contain one or more of the following; level access shower, wet room, ramps, stair lift, lowered kitchen, ground floor kitchen and bathroom extensions. These homes will be labelled to show that the property has been identified as having adaptations suitable for someone who would benefit from them. Sheltered properties will be advertised for over 55's with a preference to those with a need for that type of accommodation. General purpose properties will be advertised with a preference to those with a need for that type of accommodation.

## **2.23 Sheltered Properties**

- 2.23.1 The Council will allocate properties which were previously specified as 'sheltered' only to those over 55 years of age.

## **2.24 Departure from Local Connection Requirements**

- 2.24.1 Examples of such situations are detailed below although this is not an exhaustive list.
- 2.24.1.1 Allocation of specialist housing where there are a limited number of eligible applicants through the normal allocations process and where that accommodation would otherwise remain unused.
- 2.24.2 Decisions in exceptional circumstances will be taken by the Housing Allocations Manager.
- 2.24.3 The following decisions are made outside of Part 6 of the Housing Act 1996, and are outside the scope of the Allocations Policy:
- 2.24.3.1 Succession on a tenant's death.
- 2.24.3.2 Assignment to a person who would be qualified to succeed to the tenancy on the tenant's death.
- 2.24.3.4 Transfer of the tenancy by a court under family law provisions.
- 2.24.3.5 An order made under the Civil Partnership Act 2004.
- 2.24.3.6 Transfers initiated by the Local Housing Authority.
- 2.24.3.7 Acceptance of a surrender and re-granting of tenancy to another partner.

2.24.4 Individual RP's will have their own policies which will apply in the circumstances.

2.24.5 The provisions of part 6 of the Housing Act 1996 do not apply to an allocation of housing accommodation to a person who is already a secure or introductory tenant unless the allocation involves a transfer of housing accommodation for that person and is made on his / her application.

## **2.25 Fire Safety**

2.25.1 Allocations will not be made to accommodation above ground level where the applicant is unable to self-evacuate in the event of a fire or other emergency. This includes lift supported accommodation

2.25.2 The Housing Allocations team will provide re-housing advice to tenants who live in properties above ground floor who can no longer self-evacuate in the event of a fire and wish to move to ground floor accommodation. A higher banding will be awarded in these cases.

## **2.26 Changes to the Housing Allocation Policy**

2.26.1 The Council reserves the right to expand, change or alter any element of the EDDC Housing Allocation Policy as and when required to meet changes in housing need, capacity, operational exigencies, resources and legislation.

## **3 Policy Administration**

### **Appendices and other relevant information**

N/A

### **Links related Policies/Strategies, Procedures and Legislation**

Devon Home Choice Policy [www.devonhomechoice.com](http://www.devonhomechoice.com)

### **Data Protection**

d) This policy does not relate to existing tenants. Any personal data required will not be obtained without prior consent being given

Consent for the use of personal data is obtained through the Devon Home Choice application process

The [EDDC Data Protection Policy](#) provides further information on how we store and use personal information.

The following privacy notice(s) provide further information on how we will use tenant's personal data, how it is gathered, and how long we will retain this information, and what rights tenants have in relation to this.

Housing Allocations - Processing Devon Home Choice applications

Housing Allocations - Continuous Recording of Social Housing lettings and Sales (CORE)

All our privacy notices can be found on the EDDC website (<https://eastdevon.gov.uk/access-to-information/data-protection/privacy-notice/>)

### **Policy consultation**

EDDC Housing Leadership Team 3<sup>rd</sup> August 2023

Resident Involvement Management Group 29<sup>th</sup> August 2023

Public Consultation event 26<sup>th</sup> November 2023 to 9<sup>th</sup> January 2024

### **Policy review**

The policy will be reviewed in August 2028 by the Housing Solutions Manager

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**Financial implications:**

No direct financial implications have been identified from the update in policy and recommendations of the report.

**Legal implications:**

The legal framework is set out within the report and requires no further comment.

Report to: Housing Review Board



Date of Meeting 1 August 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Housing Revenue Account & Housing Capital Finance 23/24 Year End Outturn Report

### Report summary:

The report provides the Housing Review Board with current draft financial outturn figures for the housing revenue account and housing capital program for the 2023/24 financial year.

Producing a Housing Revenue Account has been a statutory requirement for Councils who manage and own their housing stock for some time, and therefore a key document for the Board to influence.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That the Housing Revenue Account & Housing Capital Finance 23/24 Year End Outturn Report is noted, the reserve recommendations approved and recommended to cabinet.

### Reason for recommendation:

To give the Housing Review Board an opportunity to contribute towards the review and planning of all landlord service related finances.

Officer: John Symes

Portfolio(s) (check which apply):

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

**Equalities impact** Low Impact

## Climate change Low Impact

**Risk:** Medium Risk; Financial monitoring reports have kept members informed during the year of budget variations and the projected outturn position of the Council's finances. All predetermined Balance and Reserve levels were predicted to be maintained above the adopted minimum levels. The report also looks at the monies the Council holds in balances and reserves and considers these in the light of the Council's future financial position and future Government funding cuts and other emerging financial pressures e.g. inflationary pressures. Consideration is given to the Council's financial track record, internal and external audit reports on financial controls and is reflective of occurrences from external factors which affect the Council's finances. Two areas of risk to note from this report are the General Fund identified areas of service expenditure overspends/under achievement of income which will need careful monitoring in the current financial year and the HRA extremely high expenditure levels recorded in 2023/24, particularly the later part of the financial year, although this expenditure has been met from previous year underspends (reserves) this position cannot be repeated in 2024/25

### Links to background information .

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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## Report in full

### Annual Outturn & Proposed Contribution from Reserves for Consideration

The summary tables of income and expenditure variations can be found at Appendix 1. For the 23/24 Outturn deficit for the year it is proposed to be cover from Earmarked reserves and borrowing, leaving the HRA Balance at the adopted level of £3.1m.

A summary by cost driver is as follows;

- **Supervision and Management +£1.39m**
  - £0.2m overspend in staff related costs with £0.68m in Agency staff costs only partially offset by savings in salaries and associated costs.
  - £0.3m overspend on temporary accommodation costs when decanting tenants for significant works
  - £0.4m overspend on Stock condition survey (this was a known overspend and was due to be reserve funded)
  - £0.3m on technical consultancy support within the Property and Asset team
  - £0.2m on non-rental void related charges
- **Income +£0.407m due to lost income from void properties**
- **Supplies, Services & Other Costs +£5.3m mainly duly to responsive repairs**
  - A £3.7m overspend in exclusions to the Integrated Asset Management Contract
    - £3m of jobs excluded from the Price per property (PPP) framework either due to the cost or type of job
    - £0.7m of jobs on properties excluded from the PPP framework
  - £1.3m of planned works and decoration undertaken by Ian Williams
  - £0.3m of disrepair legal fees and settlements

- **Interest income & charges -£0.530m from improved returns on investments**
- **Expenditure on Premises +£0.49m**
  - £3.6m spent on voids versus an original budget of £1.8m with other major repairs budgets unspent to offset the significant increase in void volumes.

This position of significant increase in spend with a reduction in income, has been previously highlighted to members, is of concern. As stated previously this position can be funded from reserves attributable to underspends in previous years set aside to fund increased expenditure on what was believed to be catch up repairs and maintenance, however, the picture is that this level of spend is required going forward.

### Capital Expenditure and Associated Funding

- A total of 6 acquisitions were completed within the year (£1.6m) versus 11 right to buy sales reducing the stock.
- In 23/24 the council applied and received £0.9m of Government grant funding to be used on affordable housing investment. The conditions of the grant are;
  - £20k of the total grant to be allocated to each property
  - 40% of the residual balance to be funded by the grant
  - The residual balance to be funded by the HRA
 In 23/24 2 plots in Cranbrook were purchased and a 10% deposit was provided for a further 4 plots due to complete in 24/25 at a cost of £0.65m.
- During 23/24 there was £4.35m spent on capital related improvements to properties, blocks, major adaptations for disabilities and major voids works. The funding implications of this are;
  - £0.4m in non-ring fenced capital RTB receipts
  - £1.37m – the remaining HRA capital contribution after funding affordable housing
  - £2.5m in new borrowing
- The total revenue contribution to capital made from the Housing revenue account was £2.6m versus a budgeted figure of £0.88m.

<b>HRA Capital Expenditure Financing Summary</b>	<b>£</b>
<b>Gross Expenditure</b>	<b>10,452,729</b>
Financing:	
Major Repairs Reserve / Contribution from Revenue	(3,842,609)
Revenue Contribution to Capital Outturn	(2,617,628)
Local Authority Grant Funding (LAHF)	(300,000)
RTB 1-4-1	(637,332)
Other Capital Receipts	(469,627)
S106 Funding	(67,922)
Borrowing	(2,517,611)
<b>Total Financing</b>	<b>(10,452,729)</b>

### 23/24 Year End Reserve Levels

The below table shows the final reserve levels should the allocations proposed be approved.

## HRA RESERVES

### REVENUE

Reserve Name	2022 Year End	Movement	2023 Year End	Comment
HRA Balance	-3,100	0	-3,100	Adopted level of £500 per dwelling plus £1m buffer
HRA Volatility Reserve	-1,600	1,600	0	Earmarked reserve in case of events impacting rental income
Capital Development Fund	-2,925	2,925	0	Revenue reserve earmarked for new homes & climate change development
Landlord Services Reserve	-124	124	0	Revenue reserve earmarked for Future Landlord Services Projects & C19 Catch up works
Planned Maintenance Reserve	-3,255	3,255	0	Revenue reserve earmarked for Stock Condition and Catch Up Costs
Fire Risk Assessment Reserve	-1,468	1,468	0	Revenue reserve earmarked for FRA Building works and Lift replacement
<b>TOTAL USEABLE REVENUE RESERVES</b>	<b>-12,472</b>	<b>9,372</b>	<b>-3,100</b>	

### CAPITAL

Reserve Name	2022 Year End	Movement	2023 Year End	Comment
HRA Capital Receipts	-5,731	-366	-6,097	To be used to fund the 40% Government RTB funding of replacements only
Hra Retained Capital Receipts - Grants	0	-609	-609	
<b>TOTAL USEABLE CAPITAL RESERVES</b>	<b>-5,731</b>	<b>-975</b>	<b>-6,706</b>	

### Financial implications:

The financial implications are considered within the body of the report.

### Legal implications:

There are no legal implications on which to comment.

APPENDIX 1

Year to Date			INCOME	23/24 Outturn		
Actuals	Budget	Diff		Actuals	Budget	Diff
-	-	-		-	-	-
19,498,769	19,911,900	413,131	Gross Property Rents	19,498,769	19,911,900	413,131
-209,149	-231,110	21,961	Garage Rents	-209,149	-231,110	21,961
-686,427	-658,510	-27,917	Other Income	-686,427	-658,510	-27,917
-	-	-		-	-	-
20,394,346	20,801,520	407,174		20,394,346	20,801,520	407,174

Year to Date			EXPENDITURE	23/24 Outturn		
Actuals	Budget	Diff		Actuals	Budget	Diff
11,097,257	5,763,318	5,333,939	Repairs & Maintenance	11,097,257	5,763,318	5,333,939
9,513,737	8,123,651	1,390,086	Supervision And Management	9,513,737	8,123,651	1,390,086
645,236	617,240	27,996	Other Expenditure	645,236	617,240	27,996
3,854,726	3,356,710	498,016	Capital Charges & Bad Debt	3,854,726	3,356,710	498,016
25,110,957	17,860,919	7,250,038	<i>(excl Depreciation)</i>	25,110,957	17,860,919	7,250,038

	23/24 Outturn		
	Actuals	Budget	Diff
<b>Net Interest Expense</b>	2,030,001	2,559,580	-529,579
<b>Earmarked Reserve Release</b>	-9,370,133	-40,000	9,330,133
<b>Revenue Contn to Capital Financing</b>	2,623,521	880,000	1,743,521
			-
<b>Total Financing</b>	-4,716,611	3,399,580	8,116,191

	23/24 Outturn		
	Actuals	Budget	Diff
	<b>0</b>	458,979	-458,979

Report to: Housing Review Board



Date of Meeting 1<sup>st</sup> August 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## **HRA Finance Report: Housing Revenue Account (HRA): Financial Review, Revised Budget & Sustainability Plan**

### **Report summary:**

This report was on the agenda of the July 10<sup>th</sup> 2024 meeting of Cabinet and the recommendations were passed. It will further be presented at Full Council on July 17<sup>th</sup>.

Due to the content and relevance of this report, it is being presented to the Housing Review Board for awareness and information purposes only, please note the recommendations as set out below will not be voted on during the meeting.

The report summarises the current financial pressures facing the HRA, highlights the need for additional new borrowing to meet budget shortfall in 2023/24 and for capital investment in 2024/25 to ensure regulatory compliance. It sets out plans to improve the short-term sustainability of the HRA and outlines work underway to consider longer term options for the effective management and maintenance of the Council's Housing stock.

### **Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

There are no recommendations for the Housing Review Board to approve, this report is for information purposes only.

The following recommendations were approved by Cabinet on the 10th July 2024 and are being presented to full Council on 17<sup>th</sup> July 2024 (yet to occur at time of writing this report).

1. Approve £2.5m of additional borrowing to balance the HRA budget for the 2023/24 financial year.
2. Approve a revised HRA Budget for 2024/25 as set out in Appendix 3, and a revised Capital Programme Budget as set out in Appendix 4.

The approval to include:

- a. That up to £1.75m be allocated from the HRA Balance Reserve to fund the 2024/25 forecast revenue budget shortfall.
- b. That a target annual revenue saving of £250k per annum be sought over 3 years to replenish the HRA Balance Reserve.

- c. That £4.4m of Voluntary Revenue Provision be used to reduce the level of additional borrowing required within the HRA
- d. That £7.3m of new borrowing be agreed to fund the 2024/25 Capital Programme

3. Note that £2.415m of savings and/or new additional revenue is required in 2025/26. This is needed to achieve a balanced budget, meet the increased cost arising from new borrowing in 2024/25, contribute toward the replenishment of the HRA Balance Reserve and fund additional new borrowing for Capital Programme investment in 2025/26.

4. Note the work currently underway to investigate options and establish a longer-term strategic plan to ensure the sustainable and effective management and maintenance of the Councils Housing stock.

5. Approve a £35k budget within the HRA to increase provision to a Full-Time HRA accountant to support the service.

### **Reason for recommendation:**

To balance the budget and provide the necessary investment for regulatory compliance and for the provision of good quality safe, affordable and warm homes for our residents.

Officers: Housing Strategy, Enabling and Project Manager, Director for Finance & Director for Housing & Health

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Portfolio(s) (check which apply):

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

PLEASE SEE FULL REPORT ATTACHED BELOW.

### **Equalities impact** Low Impact

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

**Climate change** Choose an impact level

**Risk:** High Risk; [Click here to enter text on risk considerations relating to your report.](#)

**Links to background information** Click here to enter links to background information; appendices online; and previous reports. These must link to an electronic document. Do not include any confidential or exempt information.

**Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

## **Housing Revenue Account: Financial Review, Revised Budget & Sustainability Plan**

### **Executive Summary**

The Housing Revenue Account (HRA) is facing significant financial pressure in the immediate and longer term. The current approved budget is insufficient to meet minimum standards and achieve regulatory compliance and therefore requires revision.

The current financial pressure arise from a range of factors including an historic underinvestment for the last decade, increased consumer and regulatory standards, general cost price inflation, restrictions in rent increases, net zero expectations, disrepair claims, high void and decant costs and other issues such as financial management. External advisors are stating that similar cost pressures are being seen in other stock holding local authorities.

A significant budget overspend in 2023/24 has required the allocation of the entire £9.3m ‘useable’ HRA reserves, part of which was set aside for ‘catch up’ repairs. In addition, a further £2.5m of new borrowing is now required to balance the books for 2023/24. In setting the 2023/24 budget the use of reserves was identified as being required in year to support additional expenditure, but it was envisaged a revised budget would come forward in year based on stock condition findings – this was not finalised in year.

The current (2024/25) HRA revenue budget is projected to be overspent by £1.71m in the current year. It is proposed, that up to £1.75m from the HRA Balance Reserve be used to fund this shortfall. With regard to the capital budget, the HRA requires an additional £7.3m of new borrowing to fund capital investment in order to achieve regulatory compliance and meet other existing capital commitments.

A Financial Sustainability Plan is in place to address and respond to the short-term financial pressures facing the HRA. This plan sets out a range of measures to increase income and deliver savings over the next 1 – 2 years and will include any recommendations from the Chartered Institute of Public Finances & Accounting (CIPFA), who have been appointed to undertake a Health Check of the HRA.

This report seeks to outline the immediate requirements for the HRA, however, it is important to note from the outset that there are multiple stages required to ascertain the full needs of the HRA moving forward

Looking ahead, further significant additional capital investment will be required over the medium and longer term to remain compliant and meet the investment requirements identified in the Stock Condition Survey. Savills have been appointed to provide specialist business and financial advice and to review longer term options for the effective management and maintenance of the housing stock. This is to ensure the Council provides safe, high-quality, and regulatory compliant homes for our residents. An update on this work will be provided during the autumn.

<b>Report Content</b>	<b>Point Number</b>
<b>Executive Summary</b>	
<b>Section 1 – The Budget</b>	
• HRA Overview	• 1
• Key Financial Pressures	• 4
• Internal Financial Review 2024	• 5
• 2023/24 Budget Outturn	• 6
• 2024/25 Revised Budget	• 11
• Additional / New Borrowing	• 28
<b>Section 2 – Future HRA Business Plan</b>	
• HRA – Short Term Sustainability Plan	• 39
• HRA Business Plan & Options Review	• 55
• Service Improvements Update	• 61
• Implications & Risks	• 62
• HRA - Question & Answer	
<b>Appendices</b>	
HRA Summary Outturn 2023/24	Appendix 1
Indicative 5 Year Capital Programme	Appendix 2
Revised HRA Revenue Budget 2024/25	Appendix 3
Revised HRA Capital Budget 2024/25	Appendix 4
Proposed Timeline	Appendix 5

## The Housing Revenue Account Overview

1. The Housing Revenue Account (HRA) is responsible for all income and expenditure related to the provision of council housing. The HRA is a ringfenced account within the General Fund with strict legal and accounting rules to maintain separation from General Fund expenditure.
2. The HRA consists of capital and revenue elements. Capital is typically physical items that add value to the property such as doors, windows and boilers etc. Revenue is typically low-level repairs, staff and labour costs etc. The Council is allowed to borrow to fund capital expenditure, but not revenue.
3. The following outlines the key budget areas and headline figures for the HRA.

### Revenue Budget

- **Income:** The primary sources of income for the HRA are Tenant's rents and service charges. The forecast income is expected to be circa £21m.
- **Repairs and Maintenance:** This includes all major expenditure which falls into the revenue category and includes equipment testing, decoration, minor works and the majority of our responsive repairs work. The budgeted spend is approximately £8m.
- **Supervision & Management:** Administrative and operational costs associated with managing the housing stock. This is budgeted at £9.75m
- **Financing / Debt Servicing:** Financing costs of the existing £84.6m borrowing amounts to an annual cost of £ 2.8m

- **The Capital Programme Budget**

The capital programme is part of the HRA but is recorded separately. The Capital programme provides for investment in major repairs and building upgrades, Right To Buy replacement acquisitions etc.

The Capital programme for the current year amounts to £13.2m, reducing to a net figure of £9.2m with grant funding, Right To Buy receipts and a 'depreciation' contribution from the revenue account. The capital programme includes an amount of £6.44m for major repairs, improvements and compliance works.

*(Depreciation: An amount set aside from income to invest toward capital works to maintain an asset i.e. for wear and tear)*

## HRA – Key Financial Pressures

4. The financial pressures facing the HRA have arisen due to a number of factors:
  - **Historic Under-investment**

As members will be aware, a significant portion of the Council's housing stock is old and requires extensive and costly repair, maintenance and fabric upgrades. This includes meeting new standards for energy efficiency and safety regulations to meet increased regulatory compliance standards. A lack of cyclical and planned maintenance appears to have contributed to general deterioration in our stock. This historic underinvestment may have exacerbated current repair costs in certain cases.
  - **Void Rates**

Void turnaround times have a significant impact on revenue and the Council has experienced higher than average void times. The Council also has a significant

number of long-term voids and properties requiring significant investment to be brought back into use. Underinvestment in our stock has, in some cases, resulted in voids requiring additional works once they have become void. This in turn has led to increased void turnaround times.

- **Inflation and Cost Increases**

General inflation and specific increases in construction and maintenance costs and materials and labour have made it more expensive to maintain and improve our housing stock. We are working with our contractors (Ian Williams in particular) to find cost savings across our portfolio through negotiation of different contractual terms and furthermore through efficient planning and issue of planned works.

- **Debt Levels**

The HRA carries £86.4m of debt from self-financing. Servicing this debt requires significant annual expenditure of approximately £2.6m p.a. Interest rate increases in recent years will affect the cost of new borrowing.

## HRA Internal Financial Review 2024

5. Following an internal review by the new senior housing team in early 2024, it became clear that the HRA was facing significant financial pressure. The key issues facing the HRA have arisen from an apparent underinvestment in both cyclical and planned maintenance. More recently, higher regulatory and consumer standards have placed further cost pressures on the budget along with cost price inflation and the impact of covid on our ability to undertake certain works.

## 2023/24 Budget Outturn Overview

6. The final HRA outturn for 2023/24 shows a significant budget overspend in both Capital and Revenue. The Revenue budget was overspent by £7.1m, the Capital Programme budget was overspent by £5.1m.

7. The key areas of major overspend were Responsive Repairs, Programmed Maintenance and Supervision and Management. The Budget outturn positions are included at Appendix 1

### Reserve Position

8. The opening Reserve position for last financial year (2023/24) showed £12.47m in reserves. This consisted of £9.37m in useable reserves, and £3.1m in the HRA Balance Reserve. The Balance Reserve is considered to be the minimum operational reserve for unexpected shocks and is set at a level considered prudent by the s.151 officer to maintain solvency.

Table 1: HRA Reserve Position

Reserve Name	22/23 Year End Balance (£m)	Reserves Used in 23/24 (£m)	23/24 Year End Balance (£m)
HRA Balance Reserve	3.1	0	3.1
HRA Volatility Reserve	1.6	1.6	0

Capital Development Fund	2.925	2.925	0
Landlord Services Reserve	0.124	0.124	0
Planned Maintenance Reserve	3.255	3.255	0
Fire Risk Assessment Reserve	1.468	1.468	0
	<b>12.472</b>	<b>9.372</b>	<b>3.1</b>

9. The entire useable reserve of £9.37m has been allocated to fund the revenue budget overspend as well as financing the capital programme expenditure.

#### Additional Borrowing Required

10. As highlighted above, the final outturn position for 2023/24 resulted in an HRA capital shortfall of £2.5m. This necessitates an additional new borrowing requirement. This additional £2.5m of borrowing, at indicative current rates of 5%, will add an additional £130k per annum to the interest burden i.e. a bottom line revenue expenditure/pressure on the revenue account.

## **Revised Budget 2024/25**

11. The current year's budget 2024/25 was set as part of the annual budget setting process and was approved by Council alongside the General Fund Budget. This is published in the Council's Budget Book. A copy of the approved 2024/25 budget is shown alongside the proposed revised budget for 2024/25 at Appendix 3.

#### Revenue Budget

12. The full scale of the financial challenges facing the HRA became apparent early in 2024, with the full extent being established at the end of the financial year in April of this year.
13. The extent of cost pressures, budget overspends, and backlog repairs were not reflected in the budget for 2024/25. Members were advised in the budget setting report that the budget would be a rollover from the previous year. This was because we needed to establish the costs for new and existing vacant posts, were awaiting details from the stock condition survey and other spend priorities.
14. Budget pressures have not abated and forecasting clearly suggests that the current Revenue budget is insufficient and is likely to be significantly overspent in the current year. The budget also failed to provide sufficient resources for capital programme investment. For this reason, a revised budget has been prepared that more accurately reflects the forecast outturn and includes additional borrowing to provide sufficient capital investment to achieve regulatory compliance.
15. The revised budget provides for an increase in revenue expenditure for responsive repairs, maintenance and compliance works. There has been adjustment to how certain expenditure is accounted for in terms of Revenue or Capital, with a significant proportion of expenditure previously shown in the revenue budget now being shown in the capital programme. This is purely an accounting change and improves the way the HRA is structured to enable better understanding, management, and financing.
16. The forecast outturn position arising from the new budget amounts to a revenue budget shortfall of £1.34m. This figure includes the additional financing cost of the £2.5m new borrowing required to meet the 2023/24 budget shortfall.

17. The revenue budget shortfall in the current year is forecast to increase from £1.34m to approximately £1.71m allowing for the finance costs of £7.3m of additional borrowing required to fund the essential capital programme, as detailed below.
18. It is proposed, and included in the report recommendation, that the forecast revenue budget shortfall for the current year be met from an allocation of up to £1.75m from the £3.1m HRA Balance Reserve.
19. In summary, the HRA is facing a revenue budget shortfall of £1.71m and requires £7.4m of capital investment. The recommendation in this report is to fund the revenue element from reserves, and the capital element from new additional borrowing.
20. As stated, the HRA Balance Reserve currently stands at £3.1m, at its adopted level. The Balance is held to protect the Council against the risk of costs associated with unforeseen events along with appropriate insurance and to deal with uneven cash flows. The sum to be held is a recommendation to Council from the S151 Officer. There is no set formula in determining the appropriate level of the Balance, but a common approach is to allow a sum per property.
21. In our case this is £490 per property giving £2.1m as the minimum sum to hold with headroom added of £1m giving our £3.1m at the top of the range. This report recommends using up to £1.75m of the Balance in the current year to meet revenue costs bringing the estimated HRA Balance Reserve down to £1.35m, this being £0.75m below the minimum level.
22. Under normal circumstance this would not be a position the S151 Officer would support, but having reviewed options and the need for the authority to meet compliance standards within its housing stock, this is seen as acceptable on the understanding that realistic budgets have now been reflected for the 2024/25 revised budget position and steps are to be taken to rebuild the reserve which will need careful monitoring by the Council.
23. A copy of the proposed revised budget for the current year 2024/25 is included at Appendix 3.

### Capital Budget

24. The capital programme consists of several areas of essential spend to ensure our housing stock complies with various regulatory standards such as fire, gas and electrical safety etc, and that our homes are of a decent standard. This includes tackling damp and mould, urgent structural repairs, fire safety works and a general requirement to ensure that kitchens and bathrooms meet an acceptable minimum standard.
25. A significant programme of investment is now required to meet regulatory standards. The following table provides a headline summary of the programme of investment required in the current year. This requires a total investment of £6.44m.

Table 2: Forecast Capital Programme 2024/25

<b>Expenditure</b>	<b>Units/ Measures</b>	<b>Cost - £</b>
Kitchens	100	750,000
Bathrooms	50	200,000
Roofs: Condition D (Risk of imminent failure)	6	132,000
Windows	24	150,000

Heating/ Boilers	100	500,000
Capital Major Works See Separate List		1,210,000
Decarbonisation Programme (Lad Mop Up).	35	750,000
Adaptations		400,000
Sew Treatment Plants	14	500,000
Fire Doors	300	450,000
CO2 & Detection	2700	400,000
Fire Risk Assessment Actions - Capital	0	1,000,000
		<b>£ 6,442,000</b>

26. In addition to the £6.44 m of planned works, the Capital Programme also includes capital expenditure on Voids, Responsive Repairs and RTB replacement acquisitions. The total Capital Programme Budget amounts to £13.262m as summarised in the table below

Table 3: Proposed Capital Programme Budget 2024/25

<b>Capital Programme Budget 2024/25</b>	
Major repairs	£6.44m
RTB Replacement Acquisitions	£3.32m
Voids	£2.5m
Responsive repairs	£1m
<b>Total</b>	<b>£13.26m</b>

27. The £13.26m gross expenditure is offset by various income such as grant funding, RTB receipts and a depreciation contribution from the revenue account (money set aside from rents to fund major repairs). The **net** expenditure after allowing for this amounts to £9.2m

Table 4: Budget 2024/25 Funding Requirement

	<b>Expenditure (£m)</b>	<b>Funding Required (£m)</b>
Revenue Budget	20.5	1.71 (forecast overspend)
Capital Expenditure (Gross)	13.3	9.2 (net capital expenditure)
<b>Total Expenditure</b>	<b>33.8</b>	
<b>Total Funding Required</b>		<b>10.91</b>
HRA Balance Reserve Allocation		-1.71
<b>Balance to be Funded 2024/25</b>		<b>9.2m</b>

## **Additional Funding / New Borrowing**

28. The new funding requirement for the current year 24/25 amounts to £9.2m as outlined above. A further amount of £2.5m is also required balance the budget shortfall for 23/24. This takes the total new additional funding required to a total of £11.7m

29. It is proposed, and included in the recommendation, that the £11.7m be partially reduced through the use of a one-time contribution of £4.4m of Voluntary Revenue Provision (VRP) funding. This leaves a remaining balance of £7.3m to be funded through additional new borrowing.

30. VRP (Voluntary Revenue Provision) is where the Council has made an overpayment on existing debt, which can then be utilised to offset further borrowing. For example, over previous years we have made additional payments to the HRA to the amount of £4.4m

which means that this amount is available for us to borrow this financial year. We are proposing that we utilise this in order to reduce the overall amount we need to borrow.

31. It should be noted that the annual cost to the HRA revenue account from £7.3m of new additional borrowing amounts to approximately £365k per annum. This increased cost will place additional revenue pressure on the HRA and will need to be met through a package of efficiency savings across the board, through budget control, a recruitment freeze on non-essential posts, income maximisation and a minimal level of strategic asset disposals.
32. Our calculations assume that monies will be borrowed from the Public Works Loan Board, however the Council Treasury Management Strategy will determine if internal borrowing is more beneficial thereby reducing overall costs.

#### Home Safeguard – Capital Investment

33. Home Safeguard is a community alarm service provided to residents of our older persons housing stock. The service requires specific hardware to be installed in each property. The existing hardware will shortly become obsolete and requires replacement across the stock, at capital cost of up to £1.2m.
34. This cost will require further additional borrowing and will add to the overall total HRA debt burden. It is however proposed that the capital investment cost be offset by an appropriate service charge in 2025/26 and future years. Service charging will cover the capital and borrowing costs and will have a net neutral impact on the revenue account. Details of the Home Safeguard scheme and associated capital requirement will be set out for approval in a subsequent report.

#### Social Housing Decarbonation Fund – Round 3 Bid

35. As members will be aware, we have been committed to decarbonising our stock and EDDC have previously applied for available funding. Unfortunately, due to the match funding element and budgetary constraints as outlined, it has been necessary to decline the latest round of funding. This does not mean that we will not apply for future funding however; it simply means that with a more robust, thorough and planned programme of works we can ensure that funding applications not only help improve home efficiency for our customers, but will also ensure that our most 'in need' stock is targeted with appropriate decarbonisation measures.

# Future HRA Business Plan

## **Budget 2025/26**

36. Detailed budget preparation for next year's budget will commence in September. This will link with work being undertaken by Savills to review and assist with our short-term financial plan and options for the longer-term management of the stock.
37. The 25/26 Budget will need to achieve the following.
- A significant reduction in revenue expenditure in the range of 10 %
  - A target revenue contribution of £250k to replenish the HRA Balance Reserve
  - A significant capital programme of circa £12m for continued capital investment.
  - Capital receipts from the disposal of non-performing assets to assist funding of the Capital Programme.
38. The required budget reductions and efficiency savings amount to an estimated £2.415m, although this is an early calculation and is highly likely to change. This has been calculated based on a requirement to reduce forecast budget overspends and cover the interest payment on new borrowing. This is summarised below.

Table 5: Indicative Revenue Savings Required

<b>Indicative Revenue Savings Required</b>	<b>Cost / Saving Required</b>
Revenue Budget Overspend 24/25 – To be reduced to 0 in 25/26	£1.3m
Replenish HRA Balance over 3 years	£250k
Revenue costs for £7.4m, additional borrowing 2024/25	£365k
Revenue costs for an estimated £10.m additional borrowing 2025/26	£500k
<b>Total</b>	<b>£2.415m</b>

## **HRA - Short Term Sustainability Plan**

39. Immediate action is necessary to stabilise the financial position of the HRA whilst work is undertaken to establish longer term options for the effective management and maintenance of the housing stock.
40. A short term 'Sustainability Plan' has been adopted and will ensure strategic management, prudential investment, budget control and will deliver a programme of income maximisation and cost reduction. This plan includes the following.

### Strategic Review of Expenditure

41. A mini budget review has taken place in the current year with a number of cost savings identified in the existing budget, this has included a decision to not recruit to a limited number of posts and small savings in areas of non-essential spend.
42. A further, more detailed exercise, including industry benchmarking, will be required prior to the 2025/26 budget setting process to identify opportunities where significant cost savings can be achieved, without compromising service quality. This may include renegotiating

contracts, improving operational efficiencies, adopting new technologies and approaches to service delivery.

#### Income Maximisation / Diversification

43. Maximising income will be a key priority in future years. This may include marginal rent increases above standard through a programme of 'rent flexibility' and the introduction of 'affordable rents' on a small number of Council properties. It will also include ensuring the effective management of service charging to ensure that costs are adequately recharged to tenants, leaseholders and freeholders where appropriate, including for sewage treatment plants etc

44. It will also be necessary to explore other opportunities to diversify income streams. This could include developing mixed-use properties, commercial leasing, or partnerships with private developers or service operators to generate additional revenue.

45. We will also continue to explore grant funding opportunities.

#### Enhanced Financial Planning & Budget Control

47. The recent internal Financial Review has identified a number of areas for improvement in the monitoring and management of the HRA budget. Following further reporting from CIPFA, Housing and Finance Departments will need to implement more robust financial planning and forecasting to better manage cash flows and anticipate future financial needs. Strict budget controls should also be adopted, which could include a moratorium on recruitment to non-essential posts authorised by ELT. Furthermore, additional training must be given to all managers with budget holding responsibility, and awareness of cost saving approaches to be employed across all areas of the Housing Department.

48. Historically, EDDC have completed works that do not fall under legal responsibility as social landlord which has resulted in increased costs and impact on the HRA. In order to improve budgetary spend and improve efficiencies, additional support from corporate communications is needed to communicate and outline appropriate responsibility of repair to tenants.

#### Effective Asset Management

49. Effective asset management is a core activity for housing providers. This involves having a clear understanding of the value and investment requirements of the stock, and disposing of assets which don't perform against a set criteria. This criteria is primarily financial, but also includes social value i.e. we may opt to retain an asset where it fails the financial test but meets a particular social or priority need.

50. Asset disposals are typically properties that are uneconomic to maintain and where the cost of repairs exceed the value of the asset. This assessment is typically undertaken through a formal valuation approach termed Net Present Value or NPV. A formal 'Acquisitions and Disposals Policy' will be presented to Members for approval in the autumn and will provide the framework for any disposals.

#### Advocate for Policy Change

51. The financial pressures facing the HRA are not unique to EDDC. Many stock holding authorities are experiencing similar pressures. This is partially due to the imposition of higher consumer and regulatory standards and net zero aspirations, but with limited additional investment to meet these increased cost burdens. EDDC should engage with

policymakers at a national level to advocate for additional funding and greater flexibility in HRA financing.

### Debt Restructuring

52. Evaluate the possibility of restructuring existing debt to achieve more favourable terms, reducing annual debt servicing costs and freeing up resources for other priorities.

### Community Engagement

53. We will continue to engage with our tenants and seek their input on our plans for improving the housing stock and how resources are allocated. Community engagement is a top priority to ensure that we listen and understand our tenants, needs, views and priorities and that these are reflected in our plans and decisions.
54. We have listened to the responses given within the Tenant Survey and there has been a consistent level of dissatisfaction with EDDC repairs service for some time. Whilst figures have improved in the latest round of surveys, we have to consider how we keep tenants informed and engaged in their housing service; help them to understand their rights; make reporting repairs an easy and technologically advanced service and ensure that we provide prompt and accurate updates on the progress of works at their homes. This approach will require sufficient support from the Communications Department and other colleagues throughout EDDC

## **HRA Business Plan & Options Review**

55. The financial pressures facing the HRA are immediate but also likely to extend over the medium and longer term. As highlighted, the major cost pressure is the investment required to bring the stock up to a decent standard. This will require a long-term business plan, typically a 30-year plan.
56. The level of investment has yet to be determined and will follow from the recent Stock Condition Survey. The indicative 5-year Capital Programme investment requirement is estimated at approximately £60m with a longer-term investment requirement beyond 5 years expected to be in excess of £100m. These are initial estimates at this stage.
57. This level of expenditure can be met, in part, through a contribution from the revenue account to the Capital Programme, i.e. through rental income. The HRA is however likely to require additional borrowing in future years to provide the required additional capital.
58. The Council have recently engaged Savills to assist with a short-term financial plan and to provide high level advice on the options available to the Council for the most efficient and effective long-term management and investment in our stock.
59. The absolute priority for the Council must be our tenants, and to meet our obligation to provide safe, warm and decent homes which meet the required regulatory standards. All options should therefore be considered in order to achieve this. A full and thorough options appraisal will need to be completed within which there are many options for consideration, namely; a continued programme of income maximisation, effective asset management, cost reductions and efficiencies, partnering arrangements, shared services or the transfer of stock to a new or existing registered provider.
60. The headline review being undertaken by Savills will guide further work in this area and assist the Council in establishing a sustainable medium and longer-term strategy. An update report will be provided in the autumn.

## **Continuing Service Improvement**

61. Whilst we are responding to certain financial pressures, the Housing Service remains committed to a programme of continuous service improvement. Housing are pleased to report the following excellent performance results on rent collection and significant improvements in our repairs and voids performance.

### Repairs (Ian Williams(IWS))

- In the last six months we have reduced our outstanding Work In Progress data (WIP) from 1500 jobs to circa 830 (as of 27<sup>th</sup> June 2024). This has been done by careful management of more complex work and improve triage at first point of contact
- We have significantly reduced the number of open damp and mould jobs (24 as of 27<sup>th</sup> June 2024) by better triage, faster inspection by Surveyors and proactive advice.
- We are exploring humidity monitoring and damp and mould treatment kits this year to help with DMC issues.
- 97% of emergencies have been completed within target
- 95% of responsive repairs have been completed within target
- We have carried out a whole data reconciliation exercise to align our data and are bringing EDDC and IWS IT teams together for the first time in 5 years to look at interface issues
- Customer satisfaction with IWS is over 90% on responsive repairs
- Average time to complete a responsive repair is 11 days against a target of 28 days

### Voids

- We have identified 30 homes where major work is required and are putting together a plan to tackle these including the use of external grant funding
- We have streamlined our void processes and reporting mechanisms to ensure long term or strategic voids do not impact on turnaround data for 'general' voids
- We have weekly multi- agency progress meetings chaired by our new Void Manager
- We have now built better links with Liberty Gas who also hold an important part in the void process and are working with them to reduce the time they are in the void
- We are working with IWS to iron out inclusions and exclusions on the price per void delivery model with further meetings taking place next week to identify opportunities for efficiencies
- Pre inspections started taking place with the customer in situ during June which should further reduce our turnaround times with specs and contractors lined up to deliver on day one of the void

### Income Collection

- Income collection is currently at 99.18%, which is above target, and on track (target is 98%, and we are only 1% below the top quartile - last year our final income collection figure was 100.46%). This level of income collection means we are maximising our tenanted assets and strengthening our budget based on rental income. This, coupled with the improvement in Void times, should see a further increase in the HRA income generation this year.

## **Financial Challenges – Implications & Risks**

62. The council has a clear duty as a responsible landlord to ensure adequate investment in the housing stock. The current financial challenges have a number of implications and risks including.

### Implications

- **Regulatory Compliance:** This requires all housing to meet certain standards and for the testing, servicing, repair and replacement of equipment including gas, electricity and fire safety equipment. Failure to meet these standards would result in the intervention by the Regulator of Social Housing.
- **Tenant Satisfaction:** inadequate maintenance increases dissatisfaction among tenants, affecting community relations and increasing administrative burdens in terms of complaint handling.
- **Service Quality:** Inability to maintain or improve housing stock can lead to deteriorating living conditions for tenants, including conditions such as damp and mould which have serious health and safety implications.

### **Risks**

- **Rent Increase.** The expected rent increase for 2025/26 is calculated as CPI plus 1%. This is anticipated to amount to 3%. This formula can be factored into our short and medium term plans. However, any change in central government policy that sought to restrict or reduce rent increases, could have a significant impact on our overall income.
- **Cost inflation.** Current trends indicate a significant easing of inflationary pressure across the board. However, inflation can be affected by unforeseen global shock or events. A significant increase in materials and labour costs, without a corresponding increase in rental income, would have a significant impact on the Councils financial ability to maintain the stock.
- **Increased Regulatory Standards / Policy change.** Increasing consumer and regulatory standards have placed additional cost burdens on the Council. We believe that most of these pressures are understood and reflected within our plans. However, there is a risk that further changes to standards or obligations could place additional pressure on the HRA finances.
- **Disrepair claims.** A significant rise in claim for disrepair is a significant risk. The ability to claim compensation has been widely publicised on social media and elsewhere with some compensation firms cold calling and door knocking. A rise in claims is anticipated and is considered to be a medium to high risk.
- **Capital / Revenue Split miscalculation.** Responsive repairs budget has been estimated as £4m with 25% estimated to be capital. £3m therefore appears in the revenue budget and £1m in the capital budget. Should the position change and less than 25% be delivered as capital and instead be delivered as revenue, this may result in a revenue budget overspend. This risk is considered low to medium.

## Question & Answer

### **Q: How will the budget pressures affect our ability to meet our climate change objectives?**

A: A significant proportion of the proposed investment is to improve the fabric of our buildings and improve thermal efficiency. The programme also includes boiler replacements and other measures which contribute toward meeting our Net Zero targets. However, our climate change objectives will continue to be aspirational whilst we are needing to prioritise responsive repairs and compliance works within a restrictive budget.

### **Q: What happens if a provider doesn't meet regulatory compliance?**

A: The Regulator of Social Housing would be alerted and would conduct an investigation. Upon conclusion, they would issue a Regulatory Judgment which would then be published outlining the standards that were not met by the provider. The Regulator considers compliance within the areas of Governance, Financial Viability and Consumer Standards. Depending on the severity of the judgement, different steps would be put in place; this could be creating an action plan to address key issues, the downgrading of performance standards and/ or remedial action by way of formal interventions.

### **Q Will rents have to rise to pay for additional investment in the stock?**

A: There are no plans to increase rents for our existing tenants above the standard annual rent increases which are calculated with reference to a government formula and introduced in April each year. We will review options for 'flexible' or 'affordable rents' for some new tenancies. This is common practice amongst Registered Providers and will be an important source of additional income in future years. Any proposed change will be subject to Member approval.

### **Q Will we also be reviewing service charges.**

A: A review of service charges will be completed during this financial year to ensure costs are being appropriately recharged. A working group, including tenants will be formed to consider the approach taken within this, and a full communications and consultation process will be undertaken to ensure that we provide financial inclusion support to those tenants who may find the introduction of service charges financially challenging.

### **Q: Why was the revenue budget overspent by £6.3m in 2023/24 but only forecast to be overspent by £1.5 m in 2024/25?**

A: A review has identified that some capital expenditure was included in the Revenue budget. This type of expenditure now appears in the 24/25 Capital Programme, the cost of which will be met by the proposed borrowing.

### **Q: What will the new borrowing be spent on?**

A: Our programme of investment will ensure our homes are safe and of a decent standard. Our programme will include compliance works such as testing and replacing fire safety equipment and resolving outstanding fuel poverty issues, major structural repairs and other such actions.

### **Q - Are the Council considering selling the Housing Stock?**

A : Whilst this may be a potential option, Officers have no immediate recommendation for selling our stock. The Council have appointed Savills to review our financial position and establish options for the longer-term management of the Housing stock. This options appraisal may include delivering efficiency savings, partnering, shared services, disposing of poorly performing assets or stock transfer. However, it is important to stress that **all** possible options will be considered as part of due diligence and a further report will be provided during the autumn.

### **Q: Will budget pressure affect our ability to build new affordable homes on our garage sites?**

A: The Housing Task Force are continuing to progress multiple sites across the district. If the income from rents and grant funding covers the development and borrowing costs, development will proceed. Building new homes will not divert resources from improving the existing stock.

**Q: How much debt does the HRA have, and how will we repay additional borrowing?**

The Council borrowed around £86m under self-financing arrangements. This, and any new borrowing, is paid back from annual rental income. The current annual repayment is approximately £2.6m p.a. or around 13% of our income.

**Q: What improvement have been made to budgetary management?**

A: The new management team have identified a number of areas for improvement in budget setting, financial management and budgetary control. The Council has also commissioned Chartered Institute of Public Finance and Accountancy (CIPFA) to undertake review our budget management and accountancy practices. The outcome of this will be reported to Members in due course.

**Q Are we disposing of any assets?**

A: Potentially. Disposing of non-performing assets is standard practice amongst registered providers and is routinely carried out as a matter of good asset management. This process allows for capital receipts from poorly performing assets to be re-invested into our stock and toward the development or acquisition of new homes. An options appraisal will be undertaken for each potential disposal

**Q. Will staff be affected by the budget pressures?**

A: We are not currently anticipating a planned reduction in staff numbers. A reduction in staff costs will be sought but it is anticipated that any reductions will be achieved through natural wastage, i.e not recruiting to non-essential vacant posts. Longer term options will be reported in due course.

**Q: Are we tackling damp and mould and other hazards?**

A: Damp and mould is one of the key areas for investment, alongside other areas of compliance such as fire, gas and electrical safety. The revised budget has been developed to ensure we address these issues and maintain regulatory compliance.

**Q: Can saving be made to the revenue budget in the current year 2024/25?**

A: Budget savings will require a detailed 'Zero Budget' exercise which is a lengthy process. This is scheduled for later in the year with savings applied to future budgets. In the meantime, a new system of budgetary control has been introduced, alongside a number of process and system changes. It is anticipated that these will assist in controlling the budget and avoid overspending the revised budget.

**Q; Are the budget pressures affecting our tenants?**

A: Our stock has experienced underinvestment in previous years but the revised budget and capital programme aim to address a backlog of major repairs issues. We are also achieving significant improvements in the delivery of tenant services such as responsive repairs.

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**Financial implications:**

The financial details and implications are set out within the report. There are significant financial risks identified; the reduction in the HRA Balance to below the adopted level, the significant savings that are required from the HRA in 2025/26 going forwards, a reduction in the order of 10% of the gross budget, and an increase in borrowing. The implications in borrowing will have to be updated and reflected in the Council prudential indicators. Because of the level of savings required close monitoring and reporting on progress will be required to give Council assurance.

As stated in the report this addresses immediate concerns, but further reports will be presented on the longer implications and options in managing the HRA.

**Legal implications:**

The legal implications of being unable to maintain our housing stock to the required level are outlined in the body of the report, including the risk of regulator intervention and a potential

increase in disrepair cases which can generate significant costs and mean that tenants are living in substandard properties. Local authority housing revenue accounts operate within a framework that considers both reserves and balances. While there isn't a universally applicable minimum level of reserves, authorities should maintain general reserves appropriate for the risks they face. The S151 Officer has advised that it is not appropriate to lower our minimum levels, so the reserves will need to be built back up to the adopted level over a period of time. It is important therefore that Members receive regular reports (as is proposed) as to the progress that is being made and that due regard is taken to the advice of the S151 Officer.

Legal services will continue to offer advice and support as needed whilst options for the future are considered and brought to members.

## Appendix 1: HRA Outturn Summary - 2023/24

<b>HRA Outturn Summary - 2023/24</b>			
<b>INCOME</b>	<b>Actuals</b>	<b>Budget</b>	<b>Diff</b>
Gross Property Rents	-19,498,769	-19,911,900	<b>413,131</b>
Garage Rents	-209,149	-231,110	<b>21,961</b>
Other Income	-686,427	-658,510	-27,917
	-20,394,346	-20,801,520	<b>407,174</b>
<b>EXPENDITURE</b>			
Repairs & Maintenance	11,097,257	5,763,318	<b>5,333,939</b>
Supervision And Management	9,513,737	8,123,651	<b>1,390,086</b>
Other Expenditure	645,236	617,240	<b>27,996</b>
Capital Charges & Bad Debt	3,854,726	3,356,710	498,016
<i>(excl Depreciation)</i>	25,110,957	17,860,919	<b>7,250,038</b>
<b>FINANCING</b>			
Net Interest Expense	2,030,001	2,559,580	<b>-529,579</b>
Earmarked Reserve Release	-9,370,133	-40,000	<b>-9,330,133</b>
Revenue Contribution to Capital Financing	2,623,521	880,000	<b>1,743,521</b>
Total Financing	-4,716,611	3,399,580	<b>-8,116,191</b>
	Actuals	Budget	Diff
Surplus/ Deficit	<b>0</b>	458,979	-458,979

## Appendix 2: Indicative 5 Year Capital Programme

Capital Programme Investment	Measures / Items Completed by Year							Total Est. Cost £
	2024/25	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Total	
Kitchens	100	251	256	200	200	200	1207	9,802,500
Bathrooms	50	150	150	150	150	150	800	3,000,000
Roofs: Condition D	6	6	107	107	107	107	440	9,636,000
Windows	24	65	65	65	65	65	349	2,230,000
Heating/ Boilers	100	280	280	280	280	280	1500	7,000,000
Capital Major Works	NB.1							4,670,000
LAD Mop Up	35	109					144	2,250,000
Adaptations (Major)	NB.2							2,400,000
Sewage- Treat-Plants	14	0	0	0	0	0	14	500,000
Fire Doors	300	600	400	400	400	400	2500	3,900,000
Damp /Mould:CAT1&2	500	500	500	500	500	500	3000	600,000
CO2 & Detection	2700	2700	0	0	0	0	5400	800,000
Fire Risk Actions	NB.3	0	0	0	0	0	0	1,500,000
<b>Total</b>								<b>£ 59,981,500</b>

- NB1 – Capital / Major works include major projects such as reroofing large blocks or major structural repairs etc. These are included in the Capital Programme as a single figure but listed separately. A copy of the planned Major Works is available on request.
- NB2 – An amount of £400k pa has been budgeted. The number of adaptations varies but the current programme has 3 significant adaptations to meet the particular needs of households with disabilities etc.
- NB3 – FRA actions are anticipated to be a one-off Capital Programme activity to address any outstanding works.

### Appendix 3: Revised Revenue Budget 2024/25

Revised Revenue Budget 2024/25			Proposed Budget 2024/25		
			Existing Budget 2024/25	Revised Budget 2024/25	Variance
1 INCOME	1 Gross Property Rent inc Garages	1 Gross Property Rents	-21,088,320	-21,088,320	0
		2 Garage Rents	-220,150	-155,293	64,857
	2 Other Income	1 Other Income	-738,070	-692,645	45,425
<b>1 INCOME Total</b>			<b>-22,0346,540</b>	<b>-21,936,258</b>	<b>110,282</b>

2 EXPENDITURE	1 Repairs & Maintenance - General	1 Responsive Maintenance	2,945,390	3,900,000	954,610
		2 Annual Programmed Maintenance	1,520,920	2,027,000	506,080
	2 Repairs & Maintenance - Special	1 Compliance	650,050	1,033,401	383,351
		2 Other Works	710,160	1,018,958	308,798
	3 Supervision & Management		9,303,501	9,745,313	441,812
	4 Other Expenditure	1 Other Exp non-Sewerage	686,070	723,999	37,929
		2 Sewerage	45,740	8,866	-36,874
	5 Capital Charges & Bad Debt	1 Adjustment to Bad Debt Provision			0
		2 Reval Deprn and Impair	950,420	2,028,300	1,077,880
		3 Major Repairs Expenditure	2,800,900		-2,800,900
<b>2 EXPENDITURE Total</b>			<b>19,613,151</b>	<b>20,485,836</b>	872,686
3 FINANCING	1 Interest on Balances		-458,600	0	458,600
	2 Loan Principal & Interest repayments		2,663,160	2,787,280	124,120
	3 Other	1 Gain on Disposal	-3,161,910	-3,161,910	0
		2 Loss on Disposal	2,001,980	2,001,980	0
		4 Other	-10	0	10
	4 MIRS	1 Rev Gain on Disposal	3,161,910	3,161,910	0
		2 Rev Loss on Disposal	-2,001,980	-2,001,980	0
		3 Rev Rev, Dep & Impair	-950,420	0	950,420
		4 TFR to EARRES	0	0	0
		5 Cont to Capital	1,179,259	0	-1,179,259
	6 Other			0	
<b>3 FINANCING Total</b>			<b>2,433,389</b>	<b>2,787,280</b>	353,891
<b>Grand Total</b>			<b>0</b>	<b>1,336,858</b>	1,336,859

## Appendix 4 - Revised Capital Programme 2024/25

<b>Project</b>	<b>Revised 2024/25</b>
	<b>£</b>
2024/25 RTB Replacement Acquisitions	3,320,310
Sewerage Plants	500,000
Fire Doors	450,000
CO2 & Detection	400,000
FRA Actions	1,000,000
LAD Mop-up	750,000
Social Service Adaptations	400,000
WNDW RENEWAL	150,000
Replacement Bathrooms	200,000
Roofing Renewal	132,000
Replacement Kitchens	750,000
Gas Boiler Replacement	500,000
Capital Major Works	1,210,000
Capitalised Responsive Repairs	1,000,000
PPV Voids	2,500,000
<b>GROSS EXPENDITURE</b>	<b>13,262,310</b>
Major Repairs Reserve / Contribution from Revenue	-2,028,300
Local Authority Grant Funding (LAHF)	-600,000
RTB 1-4-1	-975,155
Other Capital Receipts	-468,000
S106 Funding	
<b>Net Expenditure</b>	<b>-9,190,855</b>

Appendix 5- Outline of projected timeline (subject to change due to matters beyond our control)  
Headline HRA Roadmap

### Completed

- HRA – Internal Financial Review

- Capital programme – Internal review.
- CIPFA Appointed for HRA Health check
- 2023 Outturn Budget Review
- 2024 Budget revision exercise
- Savills Appointed for financial plan and longer terms options appraisal.

## **July**

- Revised Budget to Council

## **August**

- Major works / capital programme implementation (Subject to budget approval)

## **September – November**

- HRA update Report to Members – CIPFA Savills, Stock Condition reports etc
- HRA Zero based budget/ Efficiency savings exercise
- Disposals Policy approval
- Income maximisation review
- HRA Capital and Revenue expenditure Benchmarking exercise
- Budget / medium term financial plan formulation

## **2025**

- Efficiency programme implementation
- Income maximisation programme implementation
- Medium term financial plan / Budget approval

Report to: Housing Review Board



Date of Meeting 1<sup>st</sup> August 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Housing Ombudsman self-assessment and complaint procedure update

### Report summary:

This report was on the agenda of the June 5<sup>th</sup> 2024 meeting of Cabinet and the recommendations were passed.

Due to the content and relevance of this report, it is being presented to the Housing Review Board for awareness and information purposes only, please note the recommendations as set out below will not be voted on during the meeting.

This report covers 2 key areas:

The Housing Service self-assessment against the Housing Ombudsman's complaint handling code, which became statutory on 1<sup>st</sup> April 2024

Updates to the corporate complaints policy and procedure to ensure compliance with the updated code and the code produced by the Local Government and Social Care Ombudsman

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

There are no recommendations for the Housing Review Board to approve, this report is for information purposes only.

The following recommendations were approved by Cabinet on the 5<sup>th</sup> June 2024.

1. Note and agree the procedure updates and compliance with the Housing Ombudsman code of practice in complaint handling.
2. Approve the appointment of the Portfolio Holder for Sustainable Homes and Communities to the role of Member Responsible for Complaints (MRC) for Housing complaints.

### Reason for recommendation:

The council, as social housing landlord, must demonstrate compliance with the Housing Ombudsman's code by 30<sup>th</sup> June 2024 and has made amendments to the corporate complaints procedure and policy to ensure that we are fully compliant.

Officers:

Melanie Wellman – Monitoring Officer [mwellman@eastdevon.gov.uk](mailto:mwellman@eastdevon.gov.uk)

Portfolio(s) (check which apply):

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

### **Equalities impact Medium Impact**

It is important that the council's complaints procedure is accessible to all so that no individual is prevented from being able to complain, should they need to. An Equality Impact Assessment has been carried out.

### **Climate change Low Impact**

**Risk:** Medium Risk; The Housing Ombudsman complaint handling code is now referred to as part of changes that have come in since the introduction of the Social Housing (Regulation) Act. The Council is at risk of being non-compliant with Regulation if the code is not met.

**Links to background information** [The Complaint Handling Code | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](#)

### **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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### **Report in full**

1. The annual completion of the council's self-assessment against the Housing Ombudsman's complaint handling code has been carried out by the Information Governance Manager and the Housing Performance Lead. The opportunity has also been taken to update the complaints procedure and associated documents.
2. The update to the code is a significant one with the Social Housing (Regulation) Act 2023 now placing a duty on the Housing Ombudsman to monitor compliance with the statutory complaint handling code. This means that the Housing Ombudsman is required to ensure that all landlords meet the standards set out in the code for complaint handling.
3. With some minor revisions made to the complaints procedure and associated documents, the council is able to continue to demonstrate compliance with the requirements of the code but we recognise that there are still some areas where compliance with response timescales is challenging and this is an area that we are continuing to monitor and focus on in order to drive improvement.

4. As has been done in previous years, the council is required to submit its self-assessment of the code to the Housing Ombudsman, in addition for this year we also have to publish it on our website by 30<sup>th</sup> June 2024.
5. It should be noted that complaints which do not fall within the jurisdiction of the Housing Ombudsman (any non-housing complaints and also any complaints relating to allocations and housing priority) will be considered by the Local Government and Social Care Ombudsman who has recently published a complaint handling code which is similar in most respects to the Housing code. There is however currently no statutory requirement for us to demonstrate compliance with this code. Instead, authorities are encouraged to adopt the code into working practices. It is likely that this will become a statutory requirement from April 2026. This is why it is felt appropriate to make broader changes to our procedures at this time so that we can ensure compliance from an early stage.
6. The Housing Ombudsman code of practice requires the council to appoint an elected Member responsible for Housing complaints and further guidance produced by the Housing Ombudsman states that this person should be the Councillor with oversight in the Cabinet for Housing. It is therefore considered appropriate for this to be the Portfolio Holder for Sustainable Homes and Communities.
7. We have identified a need for better staff training around the complaints procedure and in recognising a complaint and signposting complainants. We will be investigating how we can potentially include something within the mandatory suite of training for all staff and how we can enhance that with training directly from the Housing Ombudsman for key staff.
8. Our corporate complaints procedure has been amended to ensure compliance with the complaint handling codes of the Housing and Local Government Ombudsmen and identifies the key officers/members and committees responsible for ensuring ongoing compliance and improvement.
9. Our procedure for dealing with unreasonable customer behaviour has been updated to ensure it refers to equalities legislation and that this is built into our decision-making. The process also now specifically refers to the subject's right to a review of the initial decision. This policy takes into account updated guidance recently published by the Local Government Ombudsman. The term "customer" is used in the context of this policy to ensure that we encapsulate all service users who may wish to complain to the council as these may not always be residents.

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### **Financial implications:**

There may be financial implications arising from the more detailed guidance being produced in relation to complaint compensation. As part of our commitment to developing a positive complaint culture, it is important to be realistic and consistent compensation awards are made where service failure is identified

### **Legal implications:**

None

## **Appendix A: Self-assessment form**

This self-assessment form should be completed by the complaints officer, and it must be reviewed and approved by the landlord's governing body at least annually.

Once approved, landlords must publish the self-assessment as part of the annual complaints performance and service improvement report on their website. The governing body's response to the report must be published alongside this.

Landlords are required to complete the self-assessment in full and support all statements with evidence, with additional commentary as necessary.

We recognise that there may be a small number of circumstances where landlords are unable to meet the requirements, for example, if they do not have a website. In these circumstances, we expect landlords to deliver the intentions of the Code in an alternative way, for example by publishing information in a public area so that it is easily accessible.

## Section 1: Definition of a complaint

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
1.2	<p>A complaint must be defined as:</p> <p><i>‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.’</i></p>	YES	Complaints procedure para 3.1	<p>Complaints procedure definition:</p> <p><i>“An expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by the authority, or those acting on our behalf, affecting an individual or a group of individuals.”</i></p>
1.3	<p>A resident does not have to use the word ‘complaint’ for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord’s complaints policy.</p>	YES	Complaints procedure para 5.2	<p>A complaint can also be made by:</p> <ul style="list-style-type: none"> <li>• A representative acting on behalf of someone who is unable to make the complaint themselves because of physical or mental incapacity.</li> <li>• A representative where they have been asked to act on behalf of a customer.</li> <li>• A representative acting on behalf of someone who has died.</li> </ul> <p>For complaints made by a representative we have to comply</p>

				<p>with the following legal requirements:</p> <ul style="list-style-type: none"> <li>• We must have written authority from the customer (or from their executor or administrator of their estate) to deal with the representative acting on their behalf (Data Protection requirements).</li> <li>• We will only deal with a complaint made by a representative of someone because of physical or mental incapacity if we are satisfied that it is being pursued in the best interest of the customer.</li> <li>• We will use the term mental incapacity as defined by the Mental Capacity Act 2005</li> </ul>
1.4	Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something	YES	Complaints procedure para 4.1	In many cases we can resolve an issue very quickly – by putting the problem right straight away. We consider these types of cases as service requests.

	right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.			<p>An example might be where a refuse team has not picked up a customer's bin, but once the team is made aware of this the bin is picked up on the same day.</p> <p>However, when a customer is unhappy about the way that a service issue or request was handled, this will be dealt with under the EDDC Complaints Procedure.</p>
1.5	A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.	YES	Complaints procedure para 4.1	A formal complaint will be triggered by resident dissatisfaction even if the handling of the service request remains ongoing
1.6	An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain.	YES	Complaints procedure para 4.3	<p><b>Survey responses:</b></p> <p>An expression of dissatisfaction with services made through a survey is not defined as a complaint but, where possible, respondents will be made aware of how to pursue the matter through our complaints procedure</p>

## Section 2: Exclusions

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
2.1	Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint, they must be able to evidence their reasoning. Each complaint must be considered on its own merits	YES	Complaints procedure para 4.1	Where we decide not to accept a complaint, we will provide an explanation setting out the reasons why this matter is not suitable for the complaints procedure and refer the complainant to the relevant ombudsman
2.2	<p>A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:</p> <ul style="list-style-type: none"> <li>• The issue giving rise to the complaint occurred over twelve months ago.</li> <li>• Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.</li> <li>• Matters that have previously been considered under the complaints policy.</li> </ul>	YES	Complaints procedure para 4.4 – 4.7	<p>An appeal is where a request is submitted to change a decision that has been made.</p> <p>For some services there are alternative statutory appeal or tribunal processes in place which must be used rather than the complaints procedure. These services include:</p> <ul style="list-style-type: none"> <li>▪ Appeals against the refusal of planning permission or planning enforcement.</li> <li>▪ Appeals against statutory notices.</li> <li>▪ Parking appeals.</li> <li>▪ Housing benefit appeals.</li> <li>▪ Homelessness decisions.</li> </ul>

				<p>Where legal proceedings have started (a claim form or particulars of a claim have been filed at court), this matter will not be considered through our formal complaint procedure.</p> <p>Where the subject of a complaint is covered by specific regulatory procedures, it must be dealt with through those procedures. However, when a customer is unhappy about the way that an appeal or tribunal matter was handled, for example a delay in preparing the Council's submission to a tribunal or appeals panel, this should be dealt with under this complaints procedure. If the complaint is about the attitude of staff when handling an appeal or tribunal matter this falls under our East Devon District Council Complaints Procedure.</p> <p>A complaint will not normally be considered if the issue being complained about occurred more than twelve months ago and the council has not received contact about it during this time. We will also not consider complaints that have previously been considered under this procedure.</p>
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				<p>We will deal with anonymous complaints where they involve individual or public safety, alleged corruption, waste or other impropriety and where we have sufficient information to allow an investigation to proceed.</p> <p>The Council is very keen to make sure elected members uphold good standards of behaviour. If you believe that a Town, Parish or District councillor has done something they shouldn't and failed to comply with the Code of Conduct for elected councillors, there is information on our website about how you can pursue a complaint with the council's Monitoring Officer.</p> <p>In all cases, a complaint will be considered on merit and taking into account the specific circumstances of the case. The council will not take a blanket approach to excluding complaints</p>
2.3	Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside this time limit where there	YES	Complaints procedure para 4.7	<p>In all cases, a complaint will be considered on merit and taking into account the specific circumstances of the case. The council will not take a blanket approach to excluding complaints</p>

	are good reasons to do so.			
2.4	If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.	YES	Complaints procedure para 4.7	
2.5	Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.	YES	Complaints procedure para 4.7	In all cases, a complaint will be considered on merit and taking into account the specific circumstances of the case. The council will not take a blanket approach to excluding complaints

### Section 3: Accessibility and Awareness

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
3.1	Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.	YES	Complaints procedure para 5.4 and 5.5	<p>Customers can make a complaint in a way that best suits them. We encourage any customer who has a concern about a particular service to make contact with us straight away. Early complaints give us the best opportunity to resolve an issue quickly.</p> <p>We encourage complaints to be made in written form as this ensures that we correctly understand the nature of the complaint and that all key areas are covered. However, where a complainant is unable to communicate with us in this form, we will accept a complaint over the phone or in person. Where we do so, we will confirm our understanding of the complaint in writing. We will consider our duties under the Equality Act 2010 and make reasonable adjustments for complainants in order to enable them to access our complaints process.</p> <p>All staff are aware of the council's complaints procedure and can take details of a complaint directly. They can then refer the matter to the council's complaints team who will progress the complaint.</p> <p>For complaints received via social media, we will ask the customer whether or not they would like to make an official complaint and</p>

				provide them with relevant links and information to do so.
3.2	Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.	YES	Complaints procedure para 5.4	Staff will receive an email to bring their attention to the Housing Ombudsman self-assessment annually. We will also publish guidance for staff on our intranet and introduce mandatory training for frontline staff in recognising a complaint and sign-posting complainants
3.3	High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.	YES	Complaints monitoring report Cabinet/HRB	Our reports demonstrate that our complaint numbers have risen significantly year on year, and we have a thorough recording process to ensure that all formal complaints and service requests are logged
3.4	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the two-stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website.	YES	Complaints procedure para 7	The procedure is available on our website and our correspondence with complainants refers to this and outlines the two-stage process
3.5	The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code.	YES		
3.6	Landlords must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be	YES	Complaints procedure para 5.2	A complaint can also be made by: <ul style="list-style-type: none"> <li>▪ A representative acting on</li> </ul>

	<p>represented or accompanied at any meeting with the landlord.</p>			<p>behalf of someone who is unable to make the complaint themselves because of physical or mental incapacity.</p> <ul style="list-style-type: none"> <li>▪ A representative where they have been asked to act on behalf of a customer.</li> <li>▪ A representative acting on behalf of someone who has died.</li> </ul> <p>For complaints made by a representative we have to comply with the following legal requirements:</p> <p>We must have written authority from the customer (or from their executor or administrator of their estate) to deal with the representative acting on their behalf (Data Protection requirements).</p> <p>We will only deal with a complaint made by a representative of someone because of physical or mental incapacity if we are satisfied that it is being pursued in the best interest of the customer.</p> <p>We will use the term mental incapacity as defined by the Mental Capacity Act 2005</p>
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3.7	Landlords must provide residents with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.	YES	Complaints procedure para 10	Complaints about social housing (landlord/tenant issues) may be referred to the Housing Ombudsman if a complainant remains dissatisfied with the Council's response. A complainant may also choose to refer their complaint to an EDDC Councillor, their MP or to the council's Housing Support Complaint Panel
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## Section 4: Complaint Handling Staff

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
4.1	Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.	YES	Information and Complaints Team Performance Lead (Housing)	Newly created Performance Team in Housing will oversee the details of complaints and will be highlighting learnings and improvements required. The Housing Performance Lead will work closely with the Housing Service Managers to ensure accountability and that learning from complaints is being implemented.
4.2	The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.	YES	Information Governance Manager Performance Lead (Housing)	The Performance Lead (Housing) is directly accountable to the Director of Housing, Health and Environment and therefore has the autonomy to resolve issues promptly.
4.3	Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively	YES		Guidance on complaints will form part of core training for staff

## Section 5: The Complaint Handling Process

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
5.1	Landlords must have a single policy in place for dealing with complaints	YES	Complaints procedure	Our complaints procedure applies to all complainants, and

	covered by this Code. Residents must not be treated differently if they complain.			all are treated in the same way.
5.2	The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.	YES	Complaints procedure paras 4.1 and 7	We have a clearly publicised two stage procedure and do not have an informal stage. We recognise the difference between a service request and a formal complaint
5.3	A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.	YES	Complaints procedure para 7	We have a clearly publicised two stage procedure
5.4	Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.	YES	Complaints procedure	We would never refer a complainant to our contractor's complaints procedure directly. As landlord, we would not expect a resident to complain to the contractor direct
5.5	Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.	N/A		Third parties do not handle complaints on the council's behalf
5.6	When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as "the complaint definition". If any aspect of the complaint is unclear, the resident must be asked for clarification.	YES	Complaints procedure para 7	We clearly set out in our correspondence with complainants our understanding of their complaint

5.7	When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.	YES	Complaints procedure para 7 and template complaint response	Our template complaint response outlines that we will outline to residents what is being considered
5.8	At each stage of the complaints process, complaint handlers must: <ul style="list-style-type: none"> <li>a. deal with complaints on their merits, act independently, and have an open mind;</li> <li>b. give the resident a fair chance to set out their position;</li> <li>c. take measures to address any actual or perceived conflict of interest; and</li> <li>d. consider all relevant information and evidence carefully.</li> </ul>	YES		
5.9	Where a response to a complaint will fall outside the timescales set out in this Code, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.	YES	Complaints procedure para 7	We routinely correspond with complainants where a deadline is not going to be met and explain the reasons for this and provide a more appropriate timescale for responding
5.10	Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.	YES	Complaints procedure para 13	We are committed to making our complaints procedure accessible to all. We will retain detail about reasonable adjustments and disability in line with our GDPR obligations, for as long as it is necessary to do so within our lawful basis for processing
5.11	Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons	YES	Complaints procedure para 7	We will not prevent a complaint from progressing through the complaints procedure

	to do so. Landlords must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Code.			
5.12	A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.	YES	Case management system	A comprehensive record of all complaints is maintained by our corporate complaints team
5.13	Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.	YES	Complaints procedure para 7 Compensation policy Stage 1 response template	We will consider fault at the first stage of the procedure and provide appropriate remedy at that stage and then this will be considered again at stage 2, if needed
5.14	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review.	YES	Complaints procedure para 14 Unreasonable customer behaviour procedure	
5.15	Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.	YES	Unreasonable customer behaviour procedure	We make sure that we meet the requirements of the <a href="#">Equality Act 2010</a> and the <a href="#">Public Sector Equality Duty</a> . This includes making sure we consider adjustments for people with protected characteristics.

				<p>Some people may have difficulty expressing themselves or communicating clearly and/or appropriately. We will always consider the needs and circumstances that we have been made aware of, before deciding how best to manage the situation. This will include making reasonable adjustments. However, this does not mean we will tolerate abusive language, shouting, or other unacceptable behaviour or actions.</p> <p>If an individual with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than someone without that characteristic. If this is the case, we may make different arrangements so they can still access the service.</p>
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## Section 6: Complaints Stages

### Stage 1

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.1	Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.	YES	Complaints procedure para 7	We will always consider the most effective way to resolve a complaint and will do so as early as possible in the procedure
6.2	Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure <b><u>within five working days of the complaint being received.</u></b>	YES	Complaints procedure para 7	
6.3	Landlords must issue a full response to stage 1 complaints <b><u>within 10 working days</u></b> of the complaint being acknowledged.	YES	Complaints procedure para 7	We recognise that a heavy caseload can mean that we cannot respond to all complaints as quickly as we would like to but always keep complainants advised and provide reasonable expectations in terms of timescales for responding
6.4	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s)	YES	Complaints procedure para 7	

	must be clearly explained to the resident.			
6.5	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	YES	Complaints procedure para 7	
6.6	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	YES	Complaint response template	We will outline any outstanding actions in our complaint response, with appropriate timescales. All actions will be tracked and monitored through to completion by the Housing Performance Team
6.7	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	YES	Complaint response template	
6.8	Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.	YES		
6.9	Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language: a. the complaint stage; b. the complaint definition;	YES	Complaints procedure para 7 Complaint response template	The complaint will be acknowledged within 5 working days and we will explain the procedure and timescales for responding We will also outline any aspect

	<p>c. the decision on the complaint;</p> <p>d. the reasons for any decisions made;</p> <p>e. the details of any remedy offered to put things right;</p> <p>f. details of any outstanding actions; and</p> <p>g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.</p>			<p>of the complaint which we cannot consider.</p> <p>The complaint will be investigated by an appropriate officer, usually the Assistant Director for the service, with input from other officers as required. A response will be prepared and sent to the complainant within 10 working days of acknowledgement, where this is practical, but where this is not possible due to the complexity of the matter to which the complaint relates or other exceptional or unforeseen circumstances, we will make this known to the complainant and provide an indicative timescale when a full response will be provided. This correspondence will include contact details for the relevant Ombudsman.</p> <p>The stage 1 response will include:</p> <ul style="list-style-type: none"> <li>• A definition and description of the complaint</li> <li>• The decision on the complaint</li> <li>• The reasons for any decision made</li> <li>• Details or any remedy offered to put things right</li> <li>• Details and timescale for any outstanding actions</li> </ul>
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				<ul style="list-style-type: none"> <li>Details of how to escalate the complaint to stage 2 if the individual is not satisfied. This should be within one month</li> </ul>
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## Stage 2

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.10	If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.	YES	Complaints procedure para 7	
6.11	Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within five working days of the escalation request being received.	YES	Complaints procedure para 7	
6.12	Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.	YES	Complaints procedure para 7	The complainant will be encouraged to detail the reasons why they believe their complaint has not been resolved in order that the stage 2 investigation can be focused on the specific outstanding elements of the complaint. However, we will not unreasonably refuse to progress a complaint if this information has not been provided and will take reasonable steps to understand why a complainant remains unhappy. We will not refuse to escalate a complaint unless we have valid reasons for doing so

				and will clearly explain these reasons.
6.13	The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.	YES	Complaints procedure para 7	Assistant Director – stage 1 Director – stage 2
6.14	Landlords must issue a final response to the stage 2 <b>within 20 working days</b> of the complaint being acknowledged.	YES	Complaints procedure para 7	
6.15	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.	YES	Complaints procedure para 7	A response will be prepared and sent to the complainant within 20 working days of acknowledgement, where this is practical, but where this is not possible due to the complexity of the matter to which the complaint relates or other exceptional or unforeseen circumstances, we will make this known to the complainant and provide an indicative timescale when a full response will be provided
6.16	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	YES		The above correspondence will include contact details for the relevant ombudsman
6.17	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	YES		

6.18	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	YES		
6.19	Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language: a. the complaint stage; b. the complaint definition; c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and g. details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.	YES	Stage 2 template response	The stage 2 response will include: A definition and description of the matters considered The decision on the complaint The reasons for any decision made Details or any remedy offered to put things right Details and timescale for any outstanding actions Details of how to escalate the complaint to the appropriate Ombudsman if the individual is not satisfied.
6.20	Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.	YES	Complaints procedure para 7	Response is provided by most senior housing officer (usually the Director for Housing)

## Section 7: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
7.1	Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include: <ul style="list-style-type: none"> <li>Apologising;</li> <li>Acknowledging where things have gone wrong;</li> <li>Providing an explanation, assistance or reasons;</li> <li>Taking action if there has been delay;</li> </ul>	YES	Complaint template stage 1 Complaints procedure para 8	When a complaint is found to be justified the Council will set out the actions we have already taken and those we intend to take to put things right. These can include: Apologising Acknowledging where things have gone wrong

	<ul style="list-style-type: none"> <li>• Reconsidering or changing a decision;</li> <li>• Amending a record or adding a correction or addendum;</li> <li>• Providing a financial remedy;</li> <li>• Changing policies, procedures or practices.</li> </ul>			<p>Providing an explanation, assistance or reasons</p> <p>Taking action if there has been a delay</p> <p>Reconsidering or changing a decision</p> <p>Providing a financial remedy</p> <p>Reviewing or changing policies/procedures or practices</p> <p>Apologise to the complainant(s) Explain what has been/will be done to put the mistake right. Explain how the error occurred and what has been done to prevent it happening again</p>
7.2	Any remedy offered must reflect the impact on the resident as a result of any fault identified.	YES	Compensation policy	Any remedy offered will reflect the impact on the complainant(s) of any fault identified and will be in accordance with our published Compensation Policy.
7.3	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.	YES	Complaint template	
7.4	Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.	YES	Compensation policy	Our compensation policy is based on the guidance produced by the ombudsman

## Section 8: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
8.1	<p>Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:</p> <ul style="list-style-type: none"> <li>a. the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements.</li> <li>b. a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept;</li> <li>c. any findings of non-compliance with this Code by the Ombudsman;</li> <li>d. the service improvements made as a result of the learning from complaints;</li> <li>e. any annual report about the landlord's performance from the Ombudsman; and</li> <li>f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.</li> </ul>	YES	<p>Annual complaints monitoring report for Executive Leadership Team Cabinet Scrutiny Housing Review Board</p>	
8.2	<p>The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.</p>			
8.3	<p>Landlords must also carry out a self-assessment following a significant</p>	YES		

	restructure, merger and/or change in procedures.			
8.4	Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.	YES		The authority will comply with any request to do so
8.5	If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website Landlords must provide a timescale for returning to compliance with the Code.	YES		The authority will make the ombudsman aware of any security incident which results in it being unable to comply with the code

## Section 9: Scrutiny & oversight: continuous learning and improvement

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
9.1	Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.	YES	Learning from complaints in performance monitoring report	Creation of the Housing Performance Team demonstrates the commitment being made to ensure we are continuously learning from complaints.
9.2	A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.	YES	Complaints monitoring report	
9.3	Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.	YES	Tenant panel Updates in newsletter Website	Tenant communications including 'you said, we did' type initiatives. Use of tenant Newsletter.
9.4	Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.	YES	Performance Lead - Housing	Performance Lead (Housing) who is part of Senior Leadership Team will have the autonomy to oversee this area and ensure risks are highlighted as required. Post-holder will work closely with Service Managers but at arm's length (and not responsible to) in order to ensure appropriate distance and a role as a critical friend.

9.5	In addition to this a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').	YES	Portfolio Holder Sustainable Homes and Communities	
9.6	The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.	YES		Monthly Portfolio Holder briefings will be held to ensure regular updates on progress being made and numbers of complaints. All PH briefings will be documented. PH will have opportunity to contribute to Member update reports.
9.7	As a minimum, the MRC and the governing body (or equivalent) must receive: a. regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance; b. regular reviews of issues and trends arising from complaint handling; c. regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and d. annual complaints performance and service improvement report.	YES		All to be covered in Member briefing. The categories will be agenda items for the updates.
9.8	Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to: a. have a collaborative and co-operative approach towards resolving complaints, working with	YES	Complaints procedure	Our complaints procedure is a corporate document which applies to all service areas within the authority. The central complaints team ensure that there is joined up

	colleagues across teams and departments; b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and c. act within the professional standards for engaging with complaints as set by any relevant professional body.			working with all service areas
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## Appendix B: East Devon District Council Complaints Policy and Procedure

### 1. Policy Statement

1.1 We pride ourselves on delivering high quality, value for money services in East Devon and are committed to providing what you need, in the way you want and to the standard you expect.

We believe that dealing effectively with complaints is essential to providing good services.

### 2. Purpose

2.1 The purpose of this document is to:

- Define what a complaint is, and who can make a complaint.
- Explain how to make a complaint.
- Explain the process we will follow when dealing with a complaint so that everyone knows what they can expect.
- Set out how we will monitor complaints, use information to improve services and identify training needs.

#### 2.2 Our guiding principles

- We will put the customer at the heart of the process, showing empathy and understanding for the issues they raise.
- We will treat all complaints seriously with an honest and open mind and do everything we can to deal with them efficiently and effectively
- We will be open minded and flexible in our approach while operating within our process.
- We will say sorry if we have made a mistake, or something has gone wrong, and we will put it right as soon as possible.
- We will aim to resolve complaints at the earliest opportunity.
- Our responses will be open and honest, based on the evidence available, address all elements of the complaint, and provide clear explanations for decisions made.
- We will ensure our procedure is equally accessible irrespective of age, disability, gender, sexual orientation, race, religion or belief.
- We will provide effective support, guidance and advice about advocacy, conciliation or mediation services.
- We will use complaints information in a positive way to identify training requirements, improve processes, and share learning to prevent similar occurrences in the future.

### 3. What is a complaint?

3.1 We define a complaint as:

An expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by the authority, or those acting on our behalf, affecting an individual or a group of individuals.

3.2 A complaint could be in relation to any of the following examples:

- We have made a mistake in the way we have provided a service.
- There has been a delay in providing a service.
- We have failed to deliver a service – this could relate to quality, standard or service level.
- Our processes or policy have not been followed.
- Our legal or regulatory requirements have not been met.
- We have not delivered to a commitment or promise.
- Our staff have been rude and unhelpful or not conducted themselves correctly.

This is not an exhaustive list.

### 4. What is not a complaint?

#### 4.1 Service requests:

In many cases we can resolve an issue very quickly – by putting the problem right straight away. We consider these types of cases as service requests.

An example might be where a refuse team has not picked up a customer's bin, but once the team is made aware of this the bin is picked up on the same day.

However, when a customer is unhappy about the way that a service issue or request was handled, this will be dealt with under the EDDC Complaints Procedure. A formal complaint will be triggered by resident dissatisfaction even if the handling of the service request remains ongoing,

Where we decide not to accept a complaint, we will provide an explanation setting out the reasons why this matter is not suitable for the complaints procedure and refer the complainant to the relevant ombudsman

#### **4.2 Complaints about policies**

Some complaints are expressions of dissatisfaction with government or local policies, as opposed to our failure to meet service standards.

We will do our best to explain the policy and the reasons for it. However, if the customer remains dissatisfied with the policy they may be directed to their MP and /or their local councillor for further discussions depending on whether this is national or local policy.

#### **4.3 Survey responses:**

An expression of dissatisfaction with services made through a survey is not defined as a complaint but, where possible, respondents will be made aware of how to pursue the matter through our complaints procedure.

#### **4.4 Appeals or legal proceedings:**

An appeal is where a request is submitted to change a decision that has been made.

For some services there are alternative statutory appeal or tribunal processes in place which must be used rather than the complaints procedure. These services include:

- Appeals against the refusal of planning permission or planning enforcement.
- Appeals against statutory notices.
- Parking appeals.
- Housing benefit appeals.
- Homelessness decisions.

Where legal proceedings have started (a claim form or particulars of a claim have been filed at court), this matter will not be considered through our formal complaint procedure.

Where the subject of a complaint is covered by specific regulatory procedures, it must be dealt with through those procedures. However, when a customer is unhappy about the way that an appeal or tribunal matter was handled, for example a delay in preparing the Council's submission to a tribunal or appeals panel, this should be dealt with under this complaints procedure. If the complaint is about the attitude of staff when handling an appeal or tribunal matter this falls under our East Devon District Council Complaints Procedure.

#### **4.5 Previously considered or timed-out complaints:**

A complaint will not normally be considered if the issue being complained about occurred more than twelve months ago and the council has not received contact about it during this time. We will also not consider complaints that have previously been considered under this procedure.

#### **4.6 Anonymous complaints**

Anonymous complaints will not be considered unless they relate to serious or significant matters affecting public safety. Any decision to consider an anonymous complaint will be at the discretion of the Monitoring Officer.

#### **4.7 Complaints about Councillors**

The Council is very keen to make sure elected members uphold good standards of behaviour. If you believe that a Town, Parish or District councillor has done something they shouldn't and failed to comply with the Code of Conduct for elected councillors, there is information on our website about how you can pursue a complaint with the council's Monitoring Officer.

In all cases, a complaint will be considered on merit and taking into account the specific circumstances of the case. The council will not take a blanket approach to excluding complaints.

### **5. Who can make a complaint?**

5.1 Anyone who uses or is affected by our services can make a complaint:

5.2 A complaint can also be made by:

- A representative acting on behalf of someone who is unable to make the complaint themselves because of physical or mental incapacity.
- A representative where they have been asked to act on behalf of a customer.
- A representative acting on behalf of someone who has died.

For complaints made by a representative we have to comply with the following legal requirements:

- 1 We must have written authority from the customer (or from their executor or administrator of their estate) to deal with the representative acting on their behalf (Data Protection requirements).
- 2 We will only deal with a complaint made by a representative of someone because of physical or mental incapacity if we are satisfied that it is being pursued in the best interest of the customer.
- 3 We will use the term mental incapacity as defined by the Mental Capacity Act 2005.

#### **5.3 Complaints received via Councillors or MPs**

Where Councillors or MPs make a complaint on behalf of a constituent, we will deal with the complaint following our normal processes and keep the Councillor or MP informed of progress. Where appropriate, we will seek the complainant's consent to consider the referred complaint.

#### **5.4 How can complaints be made?**

Customers can make a complaint in a way that best suits them. We encourage any customer who has a concern about a particular service to make contact with us straight away. Early complaints give us the best opportunity to resolve an issue quickly.

Complaints can be made:

- Online [Make a complaint - East Devon](#)
- by email [complaints@eastdevon.gov.uk](mailto:complaints@eastdevon.gov.uk)

- in writing EDDC, Border Road, Heathpark Industrial Estate, Honiton EX14 1EJ

We encourage complaints to be made in written form as this ensures that we correctly understand the nature of the complaint and that all key areas are covered. However, where a complainant is unable to communicate with us in this form, we will accept a complaint over the phone or in person. Where we do so, we will confirm our understanding of the complaint in writing. We will consider our duties under the Equality Act 2010 and make reasonable adjustments for complainants in order to enable them to access our complaints process.

All staff are aware of the council's complaints procedure and can take details of a complaint directly. They can then refer the matter to the council's complaints team who will progress the complaint.

### 5.5 Complaints received on social media

We will ask the customer whether or not they would like to make an official complaint and provide them with relevant links and information to do so.

## 6. Roles and Responsibilities

<b>Cabinet</b>	<b>Consider annual performance monitoring report and learning identified from upheld complaints</b>
<b>Scrutiny</b>	<b>Receive a copy of annual performance monitoring report and learning identified from upheld complaints</b>
<b>Executive Leadership Team ELT</b>	<b>Twice yearly updates on complaint performance including complaint numbers, outcomes and learning</b>
<b>Ombudsman Link Officer</b>	<b>The Information Governance Manager acts as the link between the authority and the Local Government and Social Care Ombudsman and the Housing Ombudsman</b>
<b>Information and Complaints Team</b>	<b>Team assigned with responsibility for complaint handling, including ombudsman link role</b>
<b>Employees</b>	<b>All employees should be aware of the complaints procedure and how to recognise a complaint and deal with it appropriately</b>
<b>Housing Complaints only</b>	
<b>Housing Review Board HRB</b>	<b>Receive copy of annual performance monitoring report, specific to Housing complaints, and learning identified from upheld complaints</b>
<b>Member responsible for complaints MRC</b>	<b>The Portfolio Holder for Housing will act as the Member responsible for complaints to champion a positive complaint handling culture</b>
<b>Housing performance lead</b>	<b>Works closely with service managers to track and monitor compliance with complaint outcomes</b>

## 7. Complaint procedure

7.1 The Council has a two stage complaints procedure.

Our formal complaints procedure process begins where the customer is not satisfied with our immediate resolution, or where they specifically make a formal complaint.

## **7.2 Stage 1**

The complaint will be acknowledged within 5 working days and we will explain the procedure and timescales for responding. We will also outline any aspect of the complaint which we cannot consider.

The complaint will be investigated by an appropriate officer, usually the Assistant Director for the service or the Service Lead where there is no Assistant Director, with input from other officers as required. A response will be prepared and sent to the complainant within 10 working days of acknowledgement, where this is practical, but where this is not possible due to the complexity of the matter to which the complaint relates or other exceptional or unforeseen circumstances, we will make this known to the complainant and provide an indicative timescale when a full response will be provided. This correspondence will include contact details for the relevant Ombudsman.

The stage 1 response will include:

- A definition and description of the complaint
- The decision on the complaint
- The reasons for any decision made
- Details or any remedy offered to put things right
- Details and timescale for any outstanding actions
- Details of how to escalate the complaint to stage 2 if the individual is not satisfied. This should be within one month

## **7.3 Stage 2**

The complaint will be acknowledged at stage 2 by the council's complaints team within 5 working days.

The complainant will be encouraged to detail the reasons why they believe their complaint has not been resolved in order that the stage 2 investigation can be focused on the specific outstanding elements of the complaint. However, we will not unreasonably refuse to progress a complaint if this information has not been provided and will take reasonable steps to understand why a complainant remains unhappy. We will not refuse to escalate a complaint unless we have valid reasons for doing so and will clearly explain these reasons.

Complaints at this stage will be investigated by an appropriate officer, usually the Director responsible for the service area. A response will be prepared and sent to the complainant within 20 working days of acknowledgement, where this is practical, but where this is not possible due to the complexity of the matter to which the complaint relates or other exceptional or unforeseen circumstances, we will make this known to the complainant and provide an indicative timescale when a full response will be provided. This correspondence will include contact details for the relevant Ombudsman. When a response is provided, this will be the council's final response.

The stage 2 response will include:

- A definition and description of the matters considered
- The decision on the complaint
- The reasons for any decision made
- Details or any remedy offered to put things right
- Details and timescale for any outstanding actions
- Details of how to escalate the complaint to the appropriate Ombudsman if the individual is not satisfied.

8.1 When a complaint is found to be justified the Council will set out the actions we have already taken and those we intend to take to put things right. These can include:

- Apologising
  - Acknowledging where things have gone wrong
  - Providing an explanation, assistance or reasons
  - Taking action if there has been a delay
  - Reconsidering or changing a decision
  - Providing a financial remedy
  - Reviewing or changing policies/procedures or practices
- 
- Apologise to the complainant(s)
  - Explain what has been/will be done to put the mistake right.
  - Explain how the error occurred and what has been done to prevent it happening again.

## **8.2 Remedies**

Any remedy offered will reflect the impact on the complainant(s) of any fault identified and will be in accordance with our published Compensation Policy.

## **9. Local Government Ombudsman**

If a customer is not happy with the way in which we handled their complaint or with our response, they may ask the Local Government Ombudsman to look into their complaint. The Ombudsman will not normally look into a complaint if we have not had an opportunity to resolve it through our own complaints process first.

Enquiries from the Local Government Ombudsman will in most cases be co-ordinated by the Council's Complaints Officer working with the relevant service area.

In cases where the Ombudsman has recommended redress, we are committed to following the advice and timescales of the Ombudsman to the best of our ability.

## **10. Housing Ombudsman**

Complaints about social housing (landlord/tenant issues) may be referred to the Housing Ombudsman if a complainant remains dissatisfied with the Council's response. A complainant may also choose to refer their complaint to an EDDC Councillor, their MP or to the council's Housing Support Complaint Panel

## **11. Confidentiality**

We will maintain the confidentiality of all personal customer information, and not disclose it outside of the Council without the prior permission of the customer, unless legally obliged to do so.

## **12. Reporting and learning from complaints**

12.1 We are committed to learning from complaints and using complaints information to drive efficiencies and service improvements.

We will keep records on each complaint received including:

- Type of complaint
- Complaint outcome and lessons learned
- Timescales agreed
- Whether timescales were met

We will produce an annual complaints performance and service improvement report for Executive Leadership Team, Housing Review Board (Housing complaints only) and Cabinet which will include:

- Our annual self-assessment against the Ombudsmen's complaint handling codes
- An analysis of our complaint handling performance
- Any findings by the Ombudsmen
- Service improvements identified as a result of the learning from complaints

### **13. Equality duty**

We make sure that we meet the requirements of the [Equality Act 2010](#) and the [Public Sector Equality Duty](#). This includes making sure we consider adjustments for people with protected characteristics

### **14. Unreasonable customer behaviour**

We will process complaints in line with our Complaints procedure and will make every effort to achieve a satisfactory outcome for each customer.

Unfortunately, in a minority of cases people pursue their complaints in a way that is unreasonable. In some instances, this can have a negative impact on the handling of their complaint. It can also have a significant impact on our resources and on our ability to provide services to our other customers. In these cases, consideration will be given to taking action under our Policy for dealing with unreasonable customer behaviour.

## **Procedure Review Date**

**April 2026**

## **Appendix C: Policy for dealing with unreasonable customer behaviour**

### **1. Purpose of policy**

We are committed to providing what you need, in the way you want and to the standard you expect. We believe that dealing effectively with complaints and customer requests for information is essential to providing good services.

We will process complaints in line with our Complaints procedure and will make every effort to achieve a satisfactory outcome for each customer.

Unfortunately, in a minority of cases people pursue their complaints in a way that is unreasonable. In some instances, this can have a negative impact on the handling of their complaint. It can also have a significant impact on our resources and on our ability to provide services to our other customers.

### **2. Principles**

We expect our employees to treat customers in a fair and reasonable way and for those accessing our services to be courteous and to engage with us in a way that enables us to carry out our work effectively and safely.

### **3. What is unreasonable behaviour?**

#### **Aggressive or abusive behaviour**

This is behaviour or language (written or spoken) that could cause our staff to feel afraid, threatened or abused. This includes threatening emails, telephone calls, and comments on social media or elsewhere. It may take the form, of insulting language, threats of physical violence or comments relating to any personal characteristic such as disability, gender or religion.

Any behaviour which is considered to be racist, sexist, ageist or homophobic is unacceptable.

#### **Unreasonable demands and vexatious complaints**

'Unreasonable complainants are those who, because of the nature or frequency of their contacts with the council, negatively impact our ability to deal effectively with their or other people's complaints'.

Unreasonable behaviour may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

We differentiate between 'persistent' customers and 'unreasonably persistent' customers.

Customers making a complaint can be 'persistent' where they feel we have not dealt with their complaint properly and are not prepared to leave the matter there. For example, it is not unreasonable for a customer to criticise how their complaint is being handled when our published procedures are not followed.

However, some customers may have justified complaints or requests but may pursue them in inappropriate ways such as lengthy phone calls, emails expecting immediate responses, detailed letters or emails every few days. Others may pursue complaints or requests which have no substance, or which have already been considered and dealt with. Their contacts with us may be amicable but still place very heavy demands on staff. This contact may be considered to be unreasonable.

Examples of what we might consider to be unreasonable behaviour includes:

- refusing to specify the grounds of a complaint, despite offers of assistance
- changing the basis of the complaint/request as the matter proceeds
- denying or changing statements made at an earlier stage
- covertly recording meetings and conversations
- submitting falsified documents from themselves or others
- making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses
- refusing to accept the decision or repeatedly arguing points with no new evidence
- persistently approaching the council through different routes about the same issue
- causing distress to staff - including use of hostile, abusive or offensive language, or an unreasonable fixation on an individual member of staff
- making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced

### **4. How we will respond to incidents of unacceptable behaviour**

#### **Communication restrictions**

If customers continue to behave unacceptably, the matter will be referred to the council's Monitoring Officer who can put in place a temporary or permanent communication restriction on a customer. If we decide to do this, the Monitoring Officer will tell the customer that we are doing so setting out:

- why we consider their behaviour unacceptable
- what action we are taking and if there is a time limit on the restrictions

Communication restrictions may include:

- limiting contact to written form only
- restricting contact to a specific individual
- placing future correspondence on file without a further response if the issues raised in the correspondence has previously been considered
- limited in other ways which we consider appropriate in the circumstances, in line with this policy

In addition, we reserve the right to:

- restrict telephone contact
- restrict the issues on which we will correspond
- refuse to consider a complaint or any further contact in exceptional circumstances
- restrict or deny access to our premises
- take any other action which we consider necessary or appropriate to make this policy effective.

Where circumstances are serious enough to warrant further restrictions, we may take legal action to prevent further contact/poor behaviour.

## 5. Right of appeal

When a decision is made by the Monitoring Officer to take action to restrict an individual's contact with the council, they will be advised of their right to appeal against the decision. If they wish to appeal against the Monitoring Officer's decision, they must do so within 10 working days to the nominated contact in their decision letter. Any appeal will only consider arguments against the restriction not the nature or detail of any complaint or issue brought to us.

The appeal will generally be considered by one of the council's Directors.

Whilst the appeal is being considered, any contact restriction will remain in place.

## 6. Review

We will review any decision to restrict communications on a six-monthly basis and, at that point, we will inform the individual of the outcome of the review and outline any ongoing restrictions. We may make the decision to approve a review sooner than 6 monthly if it is considered that the individual has positively changed their behaviour. Contact and behaviour during the period of the restriction will be monitored.

We will inform an individual of action taken following a review

## 7. Our duties under the Equality Act 2010

We make sure that we meet the requirements of the [Equality Act 2010](#) and the [Public Sector Equality Duty](#). This includes making sure we consider adjustments for people with protected characteristics.

Some people may have difficulty expressing themselves or communicating clearly and/or appropriately. We will always consider the needs and circumstances that we have been made aware of, before deciding how best to manage the situation. This will include making reasonable adjustments. However, this does not mean we will tolerate abusive language, shouting, or other unacceptable behaviour or actions.

If an individual with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than someone without that characteristic. If this is the case, we may make different arrangements so they can still access the service.

## **Appendix D: Guidance on Remedies**

The aim of this procedure document is to provide guidance to complaint handlers and service managers around appropriate complaint remedies. This guidance should be read in conjunction with the council's formal complaints procedure, specifically around the council's approach to redress:

### **Redress**

In some cases, an apology is all that is necessary and appropriate by way of a remedy.

We will offer redress where we believe that this will best serve the interests of the customer and customer service. For example, practical action will be considered as part or all of a remedy where a complaint is about failure to take some specific action such as carrying out repairs to a tenant's house.

Consideration will also be given to any practical action suggested by the complainant(s).

There will be circumstances where we are unable to put the customer back into the position they would have been in because of the amount of time lapsed or due to other events which may have occurred. In such circumstances, we may consider restorative or financial compensation. When considering any redress, we will be fair, consistent and mindful of the spending of public money.

Decisions about making compensation payments as a result of a formal complaint will be made by the investigating officer and depending on which stage the complaint is at.

### **Key questions when considering remedies**

What has gone wrong?

Can it be put right – can the complainant be put back into the position they would have been in if fault had not occurred?

What would the complainant like to happen?

How has the complainant been adversely affected?

Is there an actual quantifiable loss?

What other impact has there been? Distress, time and trouble, inconvenience

Did the complainant's actions contribute to the problem complained of?

What remedy would be proportionate and reasonable in the circumstances?

### **Types of remedy**

It may often be the case that a combination of the different types of remedy may be appropriate – these are not exclusive.

#### **Apology**

In some circumstances an apology is all that is required. An apology can be made in writing or in person to the complainant. The responsibility for making an apology is a corporate one, and is made by the council as a body, rather than an identified member of staff. Usually, an apology will be made by an Assistant Director (or service equivalent) or Director as part of the formal complaint response.

An apology should:

- acknowledge service failure
- accept responsibility for it
- explain clearly why it happened

- provide assurances of remedial action taken

## **Specific Action**

We always consider whether there is some practical action which would provide all or part of a suitable remedy. Action identified will include specific timescales and compliance with these timescales will be monitored by the information and complaints team, in conjunction with the relevant service area. It may also be appropriate for us to make a non-financial offer of assistance to a complainant as a goodwill gesture.

## **Review of policy and procedure**

If relevant policy and procedure has not been followed, we will recommend appropriate reminders and training for staff.

It may be that a complaint will identify inadequacies in our policy and procedure, and this will be reviewed if this is the case

## **Financial Compensation**

Broadly this falls into three categories

### Mandatory payments

Where we are required by law to compensate, such payments will be made in line with statutory requirements such as a statutory home loss payment, disturbance allowance or payments made under the Right to Repair scheme for Housing.

### Actual quantifiable financial loss

Costs which have been reasonably incurred by a complainant, which would not have been necessary if the service failure or maladministration the Ombudsman found had not occurred or when due payment has not been made.

### Other financial redress

We may decide that financial compensation is appropriate to recognise avoidable inconvenience, distress or any unfair impact of service failure. A compensatory payment may also be made to remedy the time and trouble a complainant has gone to in pursuing their complaint and may recognise any delay by the council in responding.

## **Ombudsman decisions**

The council will comply with any Ombudsman determination to pay compensation for identified maladministration or service failure

## **Guidance on the level of financial compensation which is appropriate:**

Decisions on the awarding of financial compensation will be made by an Assistant Director (or service equivalent) or by the Director, depending at which stage the complaint is being considered.

### **Awards of up to £300**

Remedies in the range of these amounts may be used for instances of service failure resulting in some impact on the complainant. We recognise that there has been service failure which had an impact on the complainant but was of short duration and may not have significantly affected the overall outcome for the complainant.

Examples could include, a delay in responding to correspondence or a failure to meet service standards which does not result in a significant impact

Financial recompense to recognise the time and trouble a complainant has gone to in pursuing their complaint or to recognise delays in complaint handling, will usually be in the region of £50 - £100

### **Awards of £300 to £500**

Remedies in the range of these amounts may be for cases where considerable service failure or fault has been identified.

Examples could include giving contradictory, inadequate or incorrect information about a complainant's rights, repeated failure to meaningfully engage with the substance of the complaint, or failing to address all relevant aspects of complaint, leading to considerable delay in resolving a complaint or significant failures to follow our complaints procedure.

### **Awards above £500**

Where fault is identified which results in significant harm to the complainant over a prolonged period, we may consider an award above £500

Report to: Housing Review Board



Date of Meeting 1 August 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Tenant Satisfaction Measures (TSM) Survey 2023/24 Results

### Report summary:

As part of the Social Housing (Regulation) Act 2023, the Regulator for Social Housing has stipulated that all registered providers of social housing undertake an annual perception survey. Within the survey 12 TSM measure survey questions must be asked and the results of these will need to be submitted to the Regulator so they can monitor performance across the sector.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That the Housing Review Board consider and/or comment on the survey results of the attached 2023/24 TSM survey report and the action plan.

### Reason for recommendation:

The TSM survey provides statistical information about our housing service. This information is critical for performance monitoring and service delivery improvement. There is also a statutory duty for these measures to be submitted to the housing regulator.

Officer: Andrew King: Interim Assistant Director of Housing- Regulatory Services

### Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities

### Equalities impact Medium Impact

All tenant households were surveyed and given the opportunity to respond to the survey.

## Climate change Low Impact

**Risk:** Medium Risk; Collection of TSM now forms part of the Social Housing (Regulation) Act 2023, this is therefore part of compliance with Regulatory requirements. Failure to collect this data could result in formal action against EDDC by the Regulator of Social Housing.

### Links to background information .

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
  - A greener East Devon
  - A resilient economy
- 

## 1. Introduction

1.1 In order to undertake this regulatory requirement to complete a tenant perception survey, we commissioned independent research company, Service Insights Ltd, to carry out our 2023/24 Tenant Satisfaction Measures (TSMs) survey. The process followed regulatory TSM guidance and the Market Research Society Code of Conduct.

1.1 Having carried out a similar survey in 2023 we are able to compare our results from a year ago and with others in the sector. These results provide valuable insight into progress we are making across the service and what we need to do better. A table below presents these differences.

1.2 Following feedback on the previous year, we carried out a census postal survey to all tenants which included the opportunity to complete the survey online. In total 623 households responded by post and 145 online. The majority of tenants responding online were of a younger age demographic and from our 'general needs' stock. We were required to achieve a statistical confidence of +/- 4% and with 768 tenants responding we achieved a better statistical confidence of +/- 3.18 which is an 18% response rate.

## 2. General Performance Trend

2.1 One of the most significant findings was that whilst there is clearly room for improvement (as evidenced through sector benchmarking), when we compare our 2023/24 scores to our 2022/23 TSM baseline survey, the vast majority of TSM scores can be seen to have improved over time. This is set against a wider 5-year trend of *declining* satisfaction trends, as evidenced by Housemark's mid-year TSM analysis in November 2023.

### 2.1 Headline figures;

- **Overall satisfaction [TP01]: 52.7%** This is often used as the main headline measure of service performance.
- **Highest scoring TSMs:** With the exception of TP01, the top scoring service areas were identified as:
  - **TP05: 57.4%** - Satisfaction that the home is safe

- **TP08: 56.2%** - Agreement that the landlord treats tenants fairly and with respect
  - **TP02: 51.5%** - Satisfaction with repairs
- **Lowest scoring TSMs / high dissatisfaction:** The lowest satisfaction was seen with complaints handling (20.2% satisfied). Additionally, it is worth noting that 65.7% of respondents stated they were 'very dissatisfied'.
- **Benchmarking:** Housemark's median score for overall satisfaction is 70.5%, a 17.8% difference to our score of 52.7%
- **Identifying what drives overall satisfaction:** Based on the results, the top three service areas driving overall satisfaction in East Devon District Council are:
- TP04: Satisfaction that the home is well maintained
  - TP06: Satisfaction that the landlord listens to tenant views and acts upon them
  - TP02: Satisfaction with repairs

2.2 Below is a table which shows the difference in the scores between 2022/23 survey and 2023/24 survey.

Measure	TSM Survey 2023 / 24 (Weighted)	Baseline Survey 2022 / 23 (Weighted)	% Difference over time
<b>TP01:</b> Proportion of respondents who report that they are satisfied with the overall service from East Devon District Council.	52.7%	41.4%	+11.3%
<b>TP02:</b> Proportion of respondents who report that they are satisfied with the overall repairs service from East Devon District Council over the last 12 months	51.5%	43.6%	+7.9%
<b>TP03:</b> Proportion of respondents who report that they are satisfied with the time taken to complete their most recent repair after they reported it	46.0%	38.2%	+7.8%
<b>TP04:</b> Proportion of respondents who report that they are satisfied that East Devon District Council provides a home that is well maintained	46.4%	40.6%	+5.8%
<b>TP05:</b> Proportion of respondents who, when thinking about the condition of their property or the building they live in, report that they are satisfied that East Devon District Council provides a home that is safe	57.3%	44.9%	+12.4%
<b>TP06:</b> Proportion of respondents who report that they are satisfied with East Devon District Council listening to their views and acting upon them	39.2%	32.6%	+6.6%
<b>TP07:</b> Proportion of respondents who report that they are satisfied with East Devon District Council keeping them informed about things that matter to them	44.1%	40.5%	+3.6%
<b>TP08:</b> Proportion of respondents who report that they agree with the statement: "East Devon District Council treats me fairly and with respect"	56.2%	46.9%	+9.3%
<b>TP09:</b> Proportion of respondents who report that they are satisfied with East Devon District Council's approach to complaints handling	20.2%	16.3%	+3.9%
<b>TP10:</b> Proportion of respondents who report that they are satisfied East Devon District Council keeps communal areas clean and well maintained	39.1%	44.5%	-5.4%
<b>TP11:</b> Proportion of respondents who report that they are satisfied East Devon District Council make a positive contribution to their neighbourhood	36.6%	33.2%	+3.4%
<b>TP12:</b> Proportion of respondents who report that they are satisfied with East Devon District Council's approach to handling anti-social behaviour	36.4%	29.5%	+6.9%

### 3. Next Steps

- 3.1 Based on feedback from the survey, the findings are encouraging particularly when compared to our previous set of results. As a whole, satisfaction has improved across all TSM measures except one. The fact that this has been achieved is very encouraging since sector wide analysis reveals a 5 year trend showing a clear decline in satisfaction. More recent analysis is also showing how the environment we are operating in, such as the cost of living crisis is also having a significant impact on the increases we are seeing in dissatisfaction with social landlords.
- 3.2 Although an improvement on our previous set of results, clearly there is significant work to do to ensure we are continuing to improve tenant satisfaction across our housing service.

To ensure we take on board the feedback tenants have given, we are beginning to develop an action plan and accompanying comms plan. The action plan builds on work we have outlined previously ( following when the 2022/23 results were published). It also further develops and outlines changes that have been underway in the housing service over the past 12 months following the changes in the senior management structure. In this plan we have highlighted all the TSMs and produced some clear objectives and desired outcomes which map across to our Service Plan. In devising the content of this plan, we have made sure the tenant is at the heart of our decisions in an attempt to really drive improvement, get better as a landlord and we hope when we do the TSM survey in 2024/25, this will be reflected in our scores.

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**Financial implications:**

There are no finance implications requiring comment.

**Legal implications:**

There are no legal implications on which to comment

Report to: Housing Review Board



Date of Meeting 01<sup>st</sup> August 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Recruitment of Tenant/Leaseholder Representatives to the Housing Review Board

### Report summary:

This report seeks to outline a refreshed approach to recruitment of Tenant/Leaseholder Representatives to the Housing Review Board.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That the HRB note the content of this report, and approve the proposed new 'Tenant Representative Job Description' and application form.

### Reason for recommendation:

It is noted that recruitment for tenant and leaseholder representatives has been difficult in recent years, and we are now in a scenario where four of the five tenant positions are vacant. Therefore, it is felt to be essential that a refreshed approach is taken to attract additional interest and wider demographic representation and ensure future tenant scrutiny of our Council's Housing Services.

Officer: Andy King

### 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:** Medium Risk; If we do not take a refreshed approach to tenant and leaseholder recruitment, we risk not recruiting to the Tenant Representative vacancies.

## Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

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- Better homes and communities for all
- A greener East Devon
- A resilient economy

## 1 Background

- 1.1 The Housing Review Board (HRB) is an overview committee, which reviews matters relating to the Council's landlord and housing management functions.
- 1.2 The Board continuously review the housing service's policies and performance; considers and approves new initiatives, and promotes continuous improvement in housing services for tenants and leaseholders.
- 1.3 This is a pivotal function that has real drive and influence on the scrutiny and strategic aims of the Council's Housing Service.
- 1.4 The Housing Review Board consists of 5 Council member representatives; 5 tenant representatives (of which 1 can be a leaseholder); and 2 independent community representatives. The Board elects its own Vice Chair, and they meet at least 4 times a year.
- 1.5 The non-councillor members are known as co-opted members and have the right to vote.
- 1.6 To be a Tenant/Leaseholder Board Member, one must be either a residential tenant in a property owned by East Devon District Council or a residential leaseholder where East Devon District Council are the freeholder.
- 1.7 In recent times, recruitment to Tenant Board Member's has been difficult. It has been observed and fed-back to Officers that some of the restrictions on membership for co-opted members has put up roadblocks for some tenants who otherwise would have been interested in applying.
- 1.8 Additionally, some tenant members who have been on the board in recent years have not attended regularly, and so it is suggested that expectations surrounding attendance are reviewed.
- 1.9 The HRB is now in a position where four out of the five tenant/leaseholder seats are vacant, so it is paramount that we take a refreshed approach to membership and recruitment.

## 2 Proposals

- 2.1 A new job description for the 'Housing Review Board Tenant Representative' has been created (see *Appendix 1*).
- 2.2 The key alterations to this job description are outlined as follows:

- 2.2.1 Attendance at Meetings – it is proposed that the expectations for Tenant Representative’s attendance at board meetings is brought in line the expectations set out for Councillors. Therefore, the job description prescribes that board members are required to attend at least one meeting every six months.
  - 2.2.2 The meeting attendance section of the job description is also updated to reflect the change from 5 meetings per year to 4 quarterly meetings, with the possibility of extraordinary meetings being called if necessary.
  - 2.2.3 Requirements and Exclusions – a new section of the job description designed to provide clarity on areas that at times have been considered ambiguous.
  - 2.2.4 Person Specification – updated to ensure a focus on our commitment to train and support new members and further set out the expectations of the role.
- 2.3 Additionally, a new HRB Tenant Application Form has been created to reflect the revised job description and ensure a clear and easy to follow process for application (see *Appendix 2*).
  - 2.4 The form ensures applicants have acknowledged and self-assessed against the eligibility for standing for board membership, and provides opportunity for them to put forward their desire and passion for being a tenant representative.

### **3 Next Steps**

- 3.1 It is recognised that a refreshed approach and efforts are needed to encourage participation of tenants and leaseholders in the HRB.
- 3.2 If the recommendations of this report are approved by board, we will then start a programme of recruitment efforts that will include social media, direct communications to tenants, and approaching involved tenants to promote the role.
- 3.3 We are also hopeful for the commitment of Councillors on the HRB and beyond to advocate for the opportunity to tenants they may interact with in the course of their service in their respective constituencies.

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#### **Financial implications:**

There are no financial implications requiring comment.

#### **Legal implications:**

There are no legal implications requiring comment

# Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes and other resources, available on the [intranet](#)



Version	1	Date Completed	11/07/2024
Description of what is being impact assessed			
To request approval of the revised job description and application form for tenant representatives on the Housing Review Board.			
Evidence			
<b>What data/information have you used to assess how this policy/service might impact on protected groups?</b>			
We have measured our requirements against the Council's people policies as benchmark to ensure a fair and accessible process for tenants wishing to apply to be on the Housing Review Board.			
<b>Who have you consulted with to assess possible impact on protected groups and what have they told you?</b> If you have not consulted other people, please explain why?			
Feedback from tenants in our involved tenant groups has been taken into account when reviewing the requirements of the job description. Housing Review Board are being consulted also.			

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. The Council also has a legal duty to have due regard to armed forces personnel when carrying out healthcare, housing and education functions. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, assess the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
<b>Age</b>	<ul style="list-style-type: none"> <li>The job description has no requirements that exclude or disadvantage someone due to their age. However, it should be noted that applicants will need to be over the age of 18 by-proxy of the requirement for them to be a named tenant or leaseholder.</li> </ul>	☐	☐	☒
<b>Disability</b>	<ul style="list-style-type: none"> <li>The job description does not exclude or disadvantage anyone due to disability. We have ensured that the application form offers alternative formats and support with completing the application.</li> </ul>	☐	☐	☒
<b>Gender reassignment</b>	<ul style="list-style-type: none"> <li>No impact has been identified that is specific to this equality group</li> </ul>	☐	☒	☐
<b>Marriage and civil partnership</b>	<ul style="list-style-type: none"> <li>No impact has been identified that is specific to this equality group</li> </ul>	☐	☒	☐

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
<b>Pregnancy and maternity</b>	<ul style="list-style-type: none"> <li>No impact has been identified that is specific to this equality group</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Race and ethnicity</b>	<ul style="list-style-type: none"> <li>No impact has been identified that is specific to this equality group</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Religion or belief</b>	<ul style="list-style-type: none"> <li>No impact has been identified that is specific to this equality group</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sex</b>	<ul style="list-style-type: none"> <li>No impact has been identified that is specific to this equality group</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sexual orientation</b>	<ul style="list-style-type: none"> <li>No impact has been identified that is specific to this equality group</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Armed Forces (including serving personnel, families and veterans)</b>	<ul style="list-style-type: none"> <li>No impact has been identified that is specific to this equality group</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Other, e.g. carers, care leavers, low income, rurality/isolation, etc.</b>	<ul style="list-style-type: none"> <li>No impact has been identified that is specific to this equality group</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Protected group	Summary of impact			Negative outcome	Neutral outcome	Positive outcome
<p><b>Negative outcomes action plan</b>            Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.</p>						
Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete		
	Select date			<input type="checkbox"/>		
	Select date			<input type="checkbox"/>		
	Select date			<input type="checkbox"/>		
	Select date			<input type="checkbox"/>		
	Select date			<input type="checkbox"/>		
	Select date			<input type="checkbox"/>		
<p><b>If negative impacts remain, please provide an explanation below.</b></p>						

<b>Completed by:</b>	<b>Andrew King</b>
<b>Date:</b>	<b>11/07/2024</b>
<b>Approved by:</b>	
<b>Date:</b>	

# Housing Review Board Tenant Representative

## Job Description

East Devon District Council  
Blackdown House, Border Road, Heathpark Industrial Estate,  
Honiton, EX14 1EJ

## **Purpose of the Board**

The Housing Review Board (sometimes referred to as HRB) is an overview committee, which reviews matters relating to the Council's landlord and housing management functions. The Board advises the Council's Cabinet on housing policy and operational practice, where this affects the Council's tenants and leaseholders.

The Board continuously reviews the housing service's policies and performance; considers and approves new initiatives, and promotes continuous improvement in housing services for tenants and leaseholders.

This is a pivotal function that has real drive and influence on the scrutiny and strategic aims of the Council's Housing Service.

## **Form and Composition**

The Housing Review Board consists of 5 Council member representatives; 5 tenant and leaseholder representatives; and 2 independent community representatives. The Board elects its own Vice Chair, and they meet at least 4 times a year.

The non-councillor members are known as co-opted members and have the right to vote.

To be a Tenant/Leaseholder Board Member, you must be either a residential tenant in a property owned by East Devon District Council or a residential leaseholder where East Devon District Council are the freeholder.

## **Term of Office**

Normally non-councillor Board members will serve for a maximum of eight years, subject to annual reappointment by the Council, with the objective that every four years one quarter of the non-councillor members will stand down and ensure a sustained rotation of input from across our tenants and communities.

## **Attending Meetings**

Board members are required to attend at least one meeting every six months. Our Housing Review Board meetings are held at our Blackdown House offices in Honiton, with roughly one meeting every 3 months (4 meetings per year). Our meetings usually take place in the morning on a weekday, and last for around two to three hours. There may also be rare occasions where an additional (or extraordinary) meeting is called to discuss additional matters.

## **Responsibilities of Board Members**

- To develop and support the vision and values of the Housing Service.
- To contribute towards delivering the actions set out in the Council Plan.
- To accept collective responsibility for any recommendations/decisions made and act

in the interests of the Housing Service, and not on behalf of any constituency or interest group.

- To abide by the Council's constitution and the Board's terms of reference and make sure personal interests do not come into conflict with the general responsibilities of a Board member.
- To comply with the Council's code of conduct.
- To represent the Board at both local and national events.
- Act in the best interests of tenants and leaseholders.

### **Activities of Board Members**

- To advise the Cabinet on the Council's landlord activities and functions affecting tenants and leaseholders.
- To maintain an active involvement in the ongoing review of the options for the future ownership and management of Council owned homes, and make recommendations.
- To actively promote good practice and oversee service improvements.
- To monitor performance on core housing management activities and report to the Cabinet.
- To assist the Cabinet monitor and prepare the Housing Revenue Account budget and the Housing Revenue Account Business Plan.
- To promote tenant and leaseholder involvement in our Resident Involvement Strategy.
- To encourage good practice in relation to equality and diversity issues, and ensure that the needs of vulnerable tenants are satisfied.
- To advise on any other matters affecting the Council's landlord duties and responsibilities.
- To represent the Council's tenants through a wide view lens, considering all demographics and the diverse nature of our tenant's when advising or making considerations.

### **Requirements and Exclusions:**

To be eligible to apply to be a Tenant Representative, the following must apply:

- You must be a residential tenant in a home owned by East Devon District Council (a Council Home) or a residential leaseholder where East Devon District Council are the freeholder.
- You must be able to commit to attending at least one meeting every six months.
- You should appear on the electoral role for the address where you hold a tenancy or lease.
- You must be a named tenant or leaseholder.
- You cannot have a live Notice of Seeking Possession (NOSP) against you.
- You cannot have a live legal dispute with the Council, as this may affect your ability to engage impartially with the Housing Review Board.
- You must commit to declaring any interests that may affect your impartiality.
- You may not serve on the Housing Review Board if you are serving as a Councillor

or Officer at any District or County Council, or have done so in the past 2 years.

### **Person Specification:**

#### **Skills and Experience**

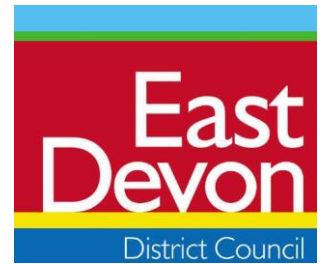
We want to encourage applicants from diverse backgrounds that represent the demographic of our tenants from across the district. We provide training and support, and you do not have to have done something like this before. However, below are some highlighted areas that would be advantageous for applicants:

- It would be advantageous to have experience of involvement with local community or other representative groups.
- An interest in business process and the multiple threads that need to be considered when making a decision.
- A keen interest in social housing.
- Interpersonal and communication skills, including questioning skills and the ability to challenge appropriately and assertively.
- Ability to understand and evaluate information, identify issues, draw conclusions and reach decisions.
- Ability to handle sensitive and confidential information.

#### **Personal Qualities and Commitment**

- A commitment to attend a minimum of one meeting every six months (two meetings per year), with the intention of attending all four meetings where possible.
- A commitment to develop and support the vision and values of the Housing Review Board.
- A willingness to work flexibly, constructively and co-operatively with other Board members, officers and any outside agencies and organisations.
- A willingness to fully understand (with training and support) what is meant by the collective responsibility of the Board – and how this affects you as a Board member.
- A commitment to complying with the Board's terms of reference.
- Availability and willingness to attend development and training events.
- A commitment to uphold the legal and other responsibilities of the Board.
- A commitment to promoting equality and diversity (making sure that the Housing Service's approach to its services and employees is open and inclusive to all irrespective of age, gender, ethnicity, disability and sexuality or any other protected characteristic).

Do you require this application form in a different format or need support in completing it? If so, please contact \*\*\* and we will be happy to assist.



**Housing Review Board**  
**Tenant Representative Application Form**

Personal Information			
Surname:		Title:	
Forenames:			
Address:			
Town:		Postcode:	
Home Tel:		Mobile Tel:	
Email:			

Eligibility To Stand for Board Membership	
Any tenant or leaseholder of the Housing Service can apply for membership to the Housing Review Board, provided the following criteria is met. <b>Please tick all statements that are true.</b>	
I am a secure tenant or leaseholder* of East Devon District Council, meaning the tenancy or lease is held solely or jointly in my name.  <i>*(only one of the five Tenant Member places on the Housing Review Board can be taken by a leaseholder).</i>	
I appear on the current electoral role at the address of my tenancy.	
I do not have a current or outstanding Notice of Seeking Possession against me.	
I do not currently have a live legal dispute with the Council.	
I am not a councillor or officer of any district or county council, nor have served as such in the past 2 years.	
I can commit to attending at least one meeting in every 6 month period.	

**Explain why you are interested in being a member of the Housing Review Board.**

--

**What contribution do you think you can make to the work of the Housing Review Board?**

--

**What skills and qualities do you have which make you a suitable candidate for this position?**

--

**I confirm that the above information is correct to the best of my knowledge**

**Signed**

**Date**


**Please attach any other supporting evidence that you feel is useful to your application, such as your CV, and return this form to \*\*\*\***