

## London Borough of Enfield

22 September 2022

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**Subject: Social Housing Regulation Bill**

**Cabinet Member: Cllr George Savva, Cabinet Member for Social Housing**  
**Executive Director: Joanne Drew (Acting)**

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### **Purpose of Report**

1. This report reviews the preparation of the Council Housing Service for the Social Housing Regulation bill which is anticipated to pass through parliament in spring/summer 2023.
2. It should also be seen in context of the funding of council housing through the Housing Revenue Account and the proposed Government consultation seeking to cap rent increases next year. Whilst this is necessary to support tenants during the cost of living crisis it will put significant strain on resources – because actual costs of the service are rising significantly faster than the proposed rent increase. We are working through options, but this will mean reductions to service standards and impacts on the investment in existing council homes and the new build programme, as we seek to balance costs with income.

### **Proposals**

3. The Panel is invited to note the contents of the report and make comments, suggestions or recommendations for further work in readiness.

### **Relevance to the Council Plan**

4. Preparation for the enactment of the Social Housing Regulation Bill outlined in this report seek to deliver on the Council's commitment to ensure all residents, regardless of whether they are council tenants or housing association tenants, are provided with good homes in well-connected neighbourhoods and the creation or management of safe, healthy and confident communities.
5. The Council's Housing and Growth Strategy recognises the importance of Council Housing.

### **Background**

6. Three new pieces of legislation were introduced following the Grenfell tragedy, the Fire Safety Act 2021, the Building Safety Act 2022 (due to be enacted in around 18 months) and the Social Housing Regulation Bill.

7. In 2020, the Government published a White Paper 'the Charter for Social Housing Tenants', in which it committed to reforming the regulation of social housing, in particular by strengthening the ability of the Regulator of Social Housing (the Regulator) to regulate the condition of social housing and the quality of the services provided by registered providers, non-profit organisations such as housing associations and co-operatives, profit-making registered providers, and local authorities.
8. In June 2022 the Social Housing Regulation Bill was introduced to Parliament. The expressed aim of the bill is to ensure "more people living in decent, well looked-after homes enjoying the quality of life they deserve". It is anticipated that the Bill will introduce key changes in how social housing is regulated which include;
  - Giving the Regulator power to request performance information - the Tenant Satisfaction Measures (TSM's).
  - Enable the Regulator to carry out 'Ofsted-style' inspections with 48 hours' notice.
  - Give the Regulator the power to issue social landlords with 'performance improvement plan notices' if they fail to meet standards.
  - Remove the serious detriment test - this currently blocks the Regulator from intervening over consumer standards unless it suspects tenants are at risk of serious harm.
  - Granting new powers to the Housing Ombudsman which further strengthen the powers given to the Housing Ombudsman in 2020.
9. Legislation is expected to pass through Parliament by spring/summer 2023. A significant amount of detail about the post-legislative operating environment is still to be established through consultation by regulatory authorities throughout 2023 following the passing of legislation.
10. The current regulatory environment is based on landlord self-reporting. The condition and nature of council housing in London is challenging and has meant that a number of Local authorities (Barking and Dagenham, Croydon, Ealing, Greenwich, Lambeth) have self-reported for breaches to the existing regulatory standards and received notices and improvement requirements as a result.

## **The Tenant Satisfaction Measures (TSM's)**

### Regulatory Measures

11. One of the fundamental changes proposed is the power for the Regulator to collect performance information. These measures are intended to let tenants see how well their landlord is performing and give the Regulator an idea of which landlords might need to improve things for their tenants.
12. Progress by the Department of Levelling Up Housing and Communities (DLUHC) on developing and implementing the measures is below:

- December 2021-March 2022 – consultation on the proposed measures took place with landlords, tenants and anyone with an interest in social housing.
  - Summer 2022 - DLUHC publish the consultation responses and the new Tenant Satisfaction Measures Standard and requirements (this has now been delayed until October but with the new requirements still starting from 01 April 2023)
  - 1 April 2023- new requirements come into force and landlords start collecting data for tenant satisfaction measures
  - Summer 2024 - landlords send DLUHC their first year of tenant satisfaction measures data.
  - Autumn 2024 - first year of tenant satisfaction measures data is published
13. The consultation sets out 22 proposed TSMs for consultation across five themes:
- keeping properties in good repair
  - maintaining building safety
  - effective complaints handling
  - respectful and helpful tenant engagement
  - responsible neighbourhood management.

The full list of proposed TSM's are at appendix 1.

#### **Removal of the Serious Detriment Test**

14. The Regulators consumer role is currently limited by what is called the serious detriment test, however, the Government is seeking to remove the serious detriment test.
15. This measure will enable the regulator to use its monitoring and enforcement powers in relation to a failure to meet a consumer standard, without first applying the serious detriment test. Abolishing the serious detriment test will allow the regulator to intervene on grounds of a breach or potential breach of the consumer standards, whether or not the breach in question has caused or may cause tenants serious harm.
16. The 4 consumer standards are:
- Home Standard – quality of accommodation and repairs and maintenance
  - Tenancy Standard – how properties are allocated/exchanged and terms around tenure
  - Neighbourhood and Community Standard – issues around neighbourhood and communal areas and anti-social behaviour
  - Tenant Involvement and Empowerment Standard – customer service and complaints, tenant rights and involvement.

#### **The Ombudsman Service**

17. Following the publication of the Social Housing White paper, which committed to keep the Housing Ombudsman's powers and to consider

ways to strengthen them, changes to the Ombudsman's service are set to take effect from 1 October 2022. The 'democratic filter' is being removed after a change in the law so residents will no longer have to refer their complaint to a designated person or wait eight weeks before the Ombudsman can consider their complaint.

18. From 1 October residents will not have to contact a designated person or wait eight weeks before referring their complaint to the Ombudsman if they remain dissatisfied at the end of their landlord's complaint process. Removing this barrier will ensure that social housing residents are not disadvantaged and have direct access to an Ombudsman, as well as helping to speed up the overall complaints process.
19. We have been working hard to improve our complaints handling processes and the number of complaints and Ombudsman findings compared to other similar Boroughs is set out below:

#### **What we are doing to prepare.**

20. The twenty-two proposed TSM's are broken into two groups – those where the Council will be asked to provide performance data and those where the Council will collect information from residents directly on their satisfaction with elements of the service.
21. Raising standards and implementing the expected regulatory changes requires a corporate level response to join together related services, where other services are involved in delivering services to estates and tenants.
22. Progress against those TSM's we are currently measuring against and preparation for those we do not currently measure are attached at appendix 2. As noted at 12 above we await confirmation of the final TSM's and the technical notes on how they should be collated.

#### Resident satisfaction

23. Twelve of the proposed TSM's are satisfaction data, such as 'satisfaction that the landlord listens to tenant views and acts upon them' and 'satisfaction that the landlord keeps communal areas clean, safe and well maintained'.
24. The council last undertook a satisfaction survey with tenants and leaseholders in spring 2021, a further survey will take place in Autumn/Winter 2022. Overall in 2022 56% of general needs tenants indicated that they were satisfied with the service, an increase of 4% on the previous survey but this still represents a below average position – reflective of the high investment requirements of the stock and relatively low levels of investment made prior to the last 2 years and the overcrowding pressures. The insourcing of the repairs service did see an improvement in satisfaction from this service of +7%.

#### Performance data

25. The remaining ten TSM's will be generated from management information collected by social housing providers.
26. The Council is implementing an assurance framework which will dovetail into the Council's existing governance structures, supported by clear KPI reporting. This includes providing the attached KPI information submitted to Cabinet on a regular basis.

### Benchmarking

27. Work is ongoing to ensure we are prepared for the new regulatory regime and to understand how we are currently performing in comparison with other authorities and RP's.
28. This includes partnership with other London boroughs in commissioning a benchmarking report to understand performance across London relative to the rest of the country and areas for improvement against the TSM's.

### Progress

Theme	Progress
keeping properties in good repair	<p>In June 2019, the Cabinet approved the in-sourcing of the Housing Repairs Service, this service was launched in May 2020.</p> <p>We have a performance management process in place to give us assurance that call quality is high and we can give feedback to staff on potential for improvement as part of our continuous improvement drive. This involves call audits, listening to calls in real time and coaching.</p> <p>Monthly reporting and monitoring of KPI's which indicate how well the repairs service is performing.</p>
maintaining building safety	<p>Continuing investment in safe, Decent Homes.</p> <p>Developed a robust assurance framework to ensure our performance against the building safety measures.</p> <p>Investing in new Council Homes to rebalance age/condition of stock and meet family housing needs.</p>
effective complaints handling	<p>In repairs a performance management process in place to give us assurance that call quality is high which involves call audits, listening to calls in real time and coaching.</p>

	<p>The council's new Verint system allows better oversight and management of complaints handling including lessons learned.</p> <p>Monthly reporting and monitoring of KPI's which indicate how well we are performing.</p>
<p>respectful and helpful tenant engagement</p>	<p>The 2022 Involvement Strategy outlines how we are improving communication, engagement and consultation with residents and stakeholders.</p> <p>We created a dedicated Contact Centre for Housing repairs to improve the customer journey, a Housing Resolution Centre was established in January 2022.</p> <p>The Tenant Participation and Advisory Service are supporting us in enhancing the impact of the Customer Voice, our tenant and leaseholder representative body.</p>
<p>responsible neighbourhood management.</p>	<p>The Council Housing service was restructured in 2022 to ensure a focus on both the highest priority estates and complex case management and support of our most vulnerable residents.</p> <p>Standards of grounds maintenance were enhanced in 2021/22.</p> <p>We are using Low Income Family Tracking (LIFT) data to allow us to focus support on those families most at risk from economic stress.</p> <p>We are working towards Domestic Abuse Housing Alliance (DAHA) accreditation, DAHA is the UK benchmark for how housing providers should respond to domestic abuse in the UK.</p> <p>Developing a Domestic Abuse and Housing strategy in line with advice from DAHA.</p> <p>Developed a Tenancy Strategy 2022-24 to set high standards for tenancies in the Borough so that our residents live as healthily, safely, and independently as possible.</p> <p>We have an Allocations Policy which makes clear that we make best use of available</p>

	<p>housing.</p> <p>We are undertaking a review of how we manage cases of anti-social behaviour including client satisfaction.</p>
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### London Council's Five Pillars Assessment

22. The London Housing Directors' Group, supported by London Councils, have worked with local authority staff, councillors and residents to illustrate principles, actions and practices that should support effective delivery of local authority landlord services. These have been grouped by theme, giving five 'pillars' that hold up a high-performing local authority landlord service. These are:

- Vision and strategy,
- Leadership,
- Management,
- Performance & compliance, and
- Assurance.

23. We will assess ourselves against the Five Pillars as part of our preparation and identify actions to improve any areas identified as gaps.

### Challenges

24. There are challenges in preparing for housing regulation;

- Government still needs to address some of the underlying challenges facing the sector, from under-funding through to the shortfall in overall supply.
- There is current uncertainty around the rent setting formula applied to local authorities, consultation is ongoing.
- Pressure from the impact on residents on the current cost of living crisis may divert resource away from preparation priorities.
- We need to align resources of the HRA business plan to priorities for the new environment, ensure the "who benefits test" is applied.

### **Conclusions**

1. The Panel will note our preparation for the new social housing regulatory regime.

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## Appendices

### Appendix 1

#### Draft Tenant Satisfaction measures

TP01 Overall satisfaction
TP02 Satisfaction with repairs
TP03 Satisfaction with time taken to complete most recent repair
TP04 Satisfaction that the home is well maintained and safe to live in
TP05 Satisfaction that the landlord listens to tenant views and acts upon them
TP06 Satisfaction that the landlord keeps tenants informed about things that matter to them
TP07 Agreement that the landlord treats tenants fairly and with respect
TP08 Satisfaction that the landlord keeps communal areas clean, safe and well maintained
TP09 Wording options subject to consultation: Satisfaction that the landlord makes a positive contribution to neighbourhoods Or Satisfaction with neighbourhood as a place to live
TP10 Satisfaction with the landlord's approach to handling of anti-social behaviour
TP11 Satisfaction with the landlord's approach to handling of complaints
TP12 Tenant knowledge of how to make a complaint
NM01 Anti-social behaviour cases relative to the size of the landlord
CH01 Complaints relative to the size of the landlord
CH02 Complaints responded to within Complaint Handling Code timescales
RP01 Homes that do not meet the Decent Homes Standard
RP02 Repairs completed within target timescale
BS01 Gas safety checks
BS02 Fire safety checks
BS03 Asbestos safety checks
BS04 Water safety checks
BS05 Lift safety checks

### Appendix 2.

#### Performance against TSM's

##### Performance Against Existing Indicators

Indicator	Q1 2022/23	Annual Target 2022/23	Notes
	Value		

Indicator	Q1 2022/23	Annual Target 2022/23	Notes
	Value		
CH103 (NEW) Repairs Completed Within Target Timescale (YTD)	95.72%	98%	This is a new measure that focusses on just council housing repairs and excludes emergencies in line with the regulators TSM guidance.
CH125 (NEW) Percentage of Repairs Completed Right First Time	80%	80%	Data provided showing Q1 figure of 80%.
CH069 (RP01) Homes That Do Not Meet the Decent Homes Standard	40.02%	37.09%	A revised decency strategy has been agreed, providing a clear pathway for continued annual performance improvement. Progress against this strategy was slowed in Q1, while budgets were adjusted in line with financial constraints. The programme ramps up from September 2022 and is projected to achieve the annual target.
HO008 The percentage of council owned homes which have a current gas safety certificate	98.8%	100%	Council Housing SMT agreed that from 2022/23 KPI would show as red if dropping below 100% to facilitate exception reporting .
CH074 (NEW) Complaints Responded to Within Complaint Handling Code Timescales	88.2%	100%	This reflects the total responded to in time for Council Housing for both first and final stages. This measure is currently based on 20 working days for stage 1. Q2 targets are set in line with the ombudsman code of conduct and therefore this measure will be more accurate as will be in line with the complaint handling code timescales and not Enfield's
CH098 (NEW) Legionella Risk Assessments	64.99%	100%	64.99% of properties with Legionella Risk Assessments completed. We are increasing testing on a monthly basis – and anticipate being at 100% by the end of this calendar year.
CH124 Properties with lift testing (Passenger Lift)	87.34%	100%	A number of lifts are outside of the testing programme. We are looking to improve compliance in this area with more robust contract management
CH079 (NEW) Tenant Satisfaction with Landlord Contribution to Neighbourhood Associated with their Home (TP09)	67%	No target currently set for this measure	Previous survey results for General Needs tenants 2021, question % satisfied with neighbourhood as a place to live.  Communication plan in place to increase resident awareness of work undertaken to better manage our estates.
CH109 (NEW) Satisfaction	66%	No target	Next survey planned for Autumn 2022

Indicator	Q1 2022/23	Annual Target 2022/23	Notes
	Value		
That the Home is Well Maintained and Safe to Live in (TP04)		currently set for this measure	Previous survey results for General Needs tenants 2021. Next survey planned for Autumn 2022  Communication plan in place to increase resident awareness of work undertaken to better manage our estates.
CH081 (NEW) Tenant Satisfaction With Landlords Handling of Antisocial Behaviour(TP10)	28%	No target currently set for this measure	Previous survey results for General Needs tenants 2021, question % satisfied with way ASB issue was dealt with by local housing team. Result: 28% Next survey planned for Autumn 2022.  Actions from a current review of our handling of ASB cases will address performance against this indicator.

#### New Indicators

Indicator	
CH092 Fire Safety Checks	We currently undertake fire risk assessments currently on all blocks in a 1-3-year cycle dependent on risk. We await technical guidance on how this indicator will be measured.
CH093 (NEW) Asbestos Safety Checks	We currently undertake checks on a 1-5-year programme based on risk. We await technical guidance on how this indicator will be measured.
CH075 (TP05) Satisfaction That the Landlord Listens to Tenant Views and Acts Upon Them	Next survey planned for Autumn 2022
CH076 (TP06) Satisfaction That the Landlord Keeps Tenants Informed About Things That Matter to Them	Next survey planned for Autumn 2022
CH078 (NEW) Tenant Satisfaction With Landlord Actions to Keep Communal Areas Clean and Safe(TP08)	Next survey planned for Autumn 2022
CH065f Satisfaction with Time Taken to Complete Most Recent Repair (TP03)	Next survey planned for Autumn 2022
CH073 (TP11) Satisfaction With the Landlord's Approach to Handling of Complaints	Next survey planned for Autumn 2022
CH126 (NEW) Agreement That the Landlord Treats Tenants Fairly and With Respect (TP07)	Next survey planned for Autumn 2022

DRAFT NOT COUNCIL POLICY