

## London Borough of Enfield

**Cabinet**  
**8 February 2023**

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**Subject:** Council Housing Assurance Framework  
**Cabinet Member:** Cllr George Savva, Cabinet Member for Social Housing  
**Executive Director:** Sarah Cary

**Key Decision:** [ KD5575 ]

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### **Purpose of Report**

1. This report sets out the proposed Assurance Framework to support the Council Housing Service in preparation for the Social Housing Regulation bill which is anticipated to pass through parliament in spring/summer 2023.
2. The Council housing service has been focused on service improvement. This has started from being clear about its role and purpose – which has been agreed and articulated through our allocations policy as providing homes for residents with enduring needs and who cannot access housing independently. This enables us to ensure those in most need are prioritised for housing.
3. We have committed and set aside significant capital resources to invest in improving standards which has been progressing at scale over the last two years. This is necessary as the stock is aging and has extensive requirements to replace basic infrastructure as well as addressing new building safety requirements, decent homes standards and greener homes. Our regeneration and new build programmes are not just to meet the severe housing needs pressure but to balance our stock profile.
4. Our service model has included a focus on a universal service for estate and tenancy management with Resident Relationship Officers for residents that need additional support because of their needs and/or circumstances.

### **Proposals**

5. Note the new regulatory environment and proposed changes to the consumer regulation of social housing.
6. Approve the proposed Assurance Framework enabling transparency and oversight of performance.
7. Note the actions being taken to gain assurance and maintain it.
8. Note the current performance of Assurance measures set out in the Council Housing Assurance Framework

### **Reason for Proposals**

9. This report sets out the assurance framework covering the Council Housing Service to ensure conformance with the new regulatory framework for social housing which is outlined in the Social Housing Regulation Bill scheduled to pass through Parliament in spring/summer 2023.
10. The Regulator of Social Housing (the Regulator) is the body tasked with overseeing the regulation of the social housing sector, regulating both local authority and housing association landlords. The Regulator adopts a co-regulatory approach. This means that the Council, through Cabinet is responsible for ensuring conformance with the regulatory standards set by the Regulator.
11. The current regulatory environment is based on landlord self-reporting when standards are not being met, however proposed changes in legislation means Local Authorities will be subject to pro-active regulation which will include:
  - Reporting of performance against the Tenant Satisfaction Measures (TSM's)
  - "Ofsted-style" inspections
  - The ability of the regulator give to issue social landlords with 'performance improvement plan notices' if they fail to meet standards
  - Removal of 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 of the Housing Ombudsman with further powers

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

12. The Assurance Framework outlined in this report will 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.
13. The Council's Housing and Growth Strategy recognises the importance of Council Housing.

### **Background**

14. Three new pieces of legislation were introduced following the Grenfell tragedy, the Fire Safety Act 2021, the Building Safety Act 2022 and the Social Housing Regulation Bill.
15. 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.
16. In June 2022 the Social Housing Regulation Bill was introduced to Parliament setting out the aim to "facilitate a new, proactive approach to

regulating social housing landlords on consumer issues such as safety, transparency and tenant engagement”.

17. 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.
18. The 4 consumer standards as introduced by the Housing and Regeneration Act 2008 are:
  - Home Standard - sets expectations for registered providers of social housing to provide tenants with quality accommodation and a cost effective repairs and maintenance service.
  - Tenancy Standard - sets expectations for registered providers of social housing to let their homes to tenants in a fair, transparent and efficient way.
  - Neighbourhood and Community Standard - sets expectations for registered providers of social housing to keep the neighbourhood and communal areas associated with the homes they own clean and safe, co-operate with relevant partners to promote the wellbeing of the local area and help prevent and tackle anti-social behaviour.
  - Tenant Involvement and Empowerment Standard - sets expectations for registered providers of social housing to provide choices, information and communication that is appropriate to the diverse needs of their tenants, a clear approach to complaints and a wide range of opportunities for them to have influence and be involved.

### **Main Considerations for the Council**

19. The Council Housing Assurance Framework will help to ensure that the service meets the proposed changes to Social Housing Regulation and the four consumer Standards by reporting in a transparent way on performance.
20. The proposed changes in Social Housing Regulation take place at a time of increasing financial pressure for the Housing Revenue Account as a result of rising inflation and increased costs of borrowing. The actual costs of delivering the service – the cost of maintaining homes and delivering services - are rising significantly faster than the proposed rent increase.
21. In November 2022 a social housing rent cap of 7% was imposed on local authorities, the impact of which on our budget for 2023/24 is a pressure of £830k.

22. Council Housing tenants are, on average, older than the rest of the population of the borough and are more likely to be female and to have a disability. The impact of poor assurance and not meeting the regulatory standards will therefore impact more on residents of the borough with these protected characteristics.

## Assurance Framework

23. The proposed Council Housing Assurance Framework will mitigate the risks associated with non-compliance against the Housing Regulators consumer standards using a three lines of defence model aligned to the key risks which may prevent compliance with the regulatory standards and to provide stronger governance structure around the Consumer Standard.
24. Figure one sets out the proposed structure of the Council Housing Assurance Framework

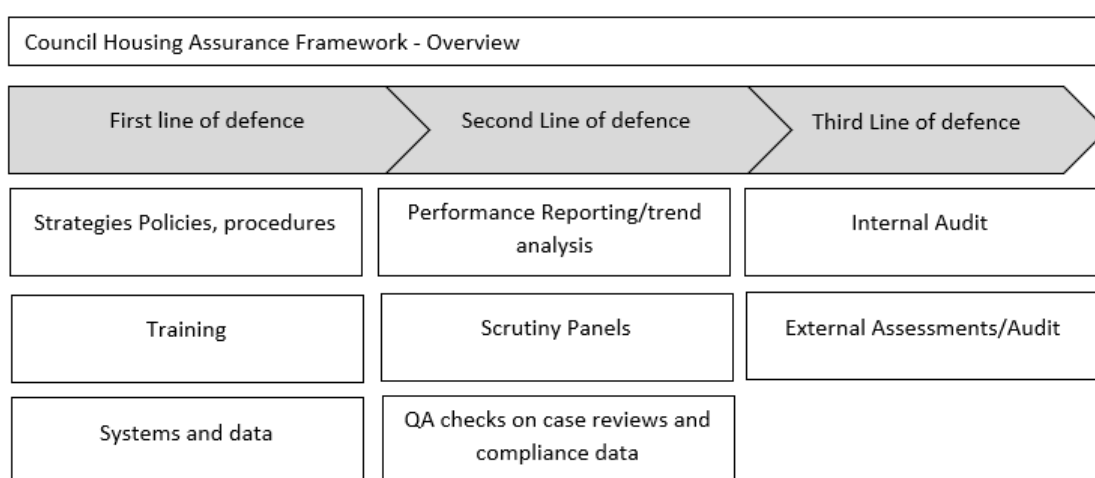


Figure One: proposed governance structure within Council Housing Assurance Plan

## Actions to gain assurance

25. An Assurance Action Plan has been developed to embed and monitor all requirements of the Assurance Framework and to ensure these are maintained or updated when appropriate.
26. An effective strategy, policy and operating procedure framework is essential to translate the objectives of the service and the philosophy for its operation through to published policies which enable residents to understand what the service offers and operational guidance for staff to enable them to effectively translate strategy and policy into operational practice. There are key areas that we need to update over the next year including:
- a. Anti-Social Behaviour policy (new)
  - b. Neighbourhood management policy (new)
  - c. Tenant Empowerment policy (annual review)
  - d. Tenancy Strategy (annual review)
  - e. Repairs policy (annual review)

27. Adequate, appropriately targeted skilled and competent staff are a key requirement. We are operating in an environment of skills shortages especially in technical areas. We are therefore focused on growing our own capacity and training staff to reach appropriate levels of competence. The quality of homes is a key concern and it is essential that staff have rounded expertise, understanding about building safety, addressing issues such as damp and mould, decent homes and greener and warmer homes in the context of the needs of residents living in these homes.
28. In 2023 we will be launching our housing skills academy which will provide all staff with knowledge in these areas with a system of quality checks. We will also be working to develop and embed an approach to “making every visit count”.
29. An effective housing management system operated by skilled staff is a key foundation of the service. Ensuring effective record keeping is a key requirement.
30. A key aspect of the Assurance Framework is performance monitoring. Figure Two outlines how performance is reviewed, providing appropriate oversight including by Cabinet on a quarterly basis as part of the corporate performance dashboard.

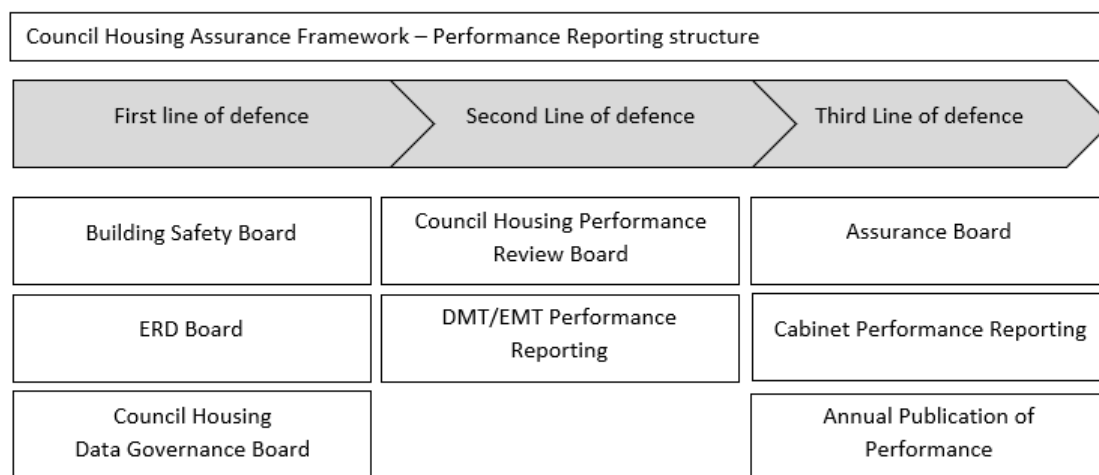


Figure Two: proposed performance reporting structure within the Assurance Framework

### Current Performance against assurance

31. Work is already underway to progress the Action plan with performance monitoring in development and being embedded across the first and second lines of defence. The Assurance Framework will strengthen governance and ensure that the Council can be assured and can demonstrate that action and improvements are taking place and reported appropriately. KPIs are now embedded as part of corporate reporting to the Executive Management Team and Cabinet.
32. Performance against the recommended measures and actions in progress to improve performance or embed changes to measures set out in the

Tenant Satisfaction Measures (TSMs) is highlighted below. This year's annual satisfaction review is in progress and due to report in January 2023.

33. On 21<sup>st</sup> September 2022 the Regulator published the final TSMs following consultation.
34. The TSM's are a 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.
35. Building Safety Assurance Measures

|   | Required | Compliant | Current Performance |
|---|----------|-----------|---------------------|
| Gas Safety Checks (Domestic)  | 7940     | 7869      | 99.1%               |
| Gas Safety Checks (Communal)  | 22       | 22        | 100%                |
| Blocks for which all required fire risk assessments have been carried out                                       | 1109     | 1097      | 98.9%               |
| Asbestos Safety Checks  | 948      | 974       | 100%                |
| Legionella Risk Assessments   | 851      | 806       | 94.7%               |
| Lifting Equipment (passenger lift)  | 114      | 106       | 93%                 |
| Number of repairs orders open relating to damp and mould or conditions that increase the risk of damp and mould | NA       |           | 130                 |

Data reported as at end of December 2022 (Q3 2022-23)

36. The implementation of the Apex data system will improve the data governance of compliance reporting against the building safety assurance measures.
37. Key staff have been aligned to support the compliance monitoring process
38. The new addition of Damp and Mould monitoring is in development. We have formed a multidisciplinary task force to address damp and mould issues across all tenures. The task force consists of Environmental Health Officers, Housing and Property Professionals working in all relevant areas including the management of Temporary Accommodation, and with input from Public Health and NHS partners.
39. As at 3<sup>rd</sup> January 2023, 130 repairs orders were open relating to damp and mould or conditions that increase the risk of damp & mould. This is a decrease of 30 on the 1<sup>st</sup> December figure largely due to the additional operatives focusing on the issue and the increase in temperatures.
40. The number of reported cases has been included in the corporate performance report and we are currently developing more detailed KPIs which may be comparable with other boroughs.

#### 41. Tenant Satisfaction Measures

| Measures   | Current Outturn | Peer group comparison   |
|--|-----------------|---|
| CH01 Complaints relative to the size of the landlord                   | 16.37           | 21/22 outturn would put Enfield in the upper quartile for performance in this area. Outturns range from 19.9 to 102.6 (based on 11 LA Housing providers)  |
| CH02 Complaints responded to within Complaint Handling Code timescales | 90%             | 78% London avg for Stage 1 (based on 11 LA Housing providers)   |
| NM01 Anti-social behaviour cases relative to the size of the landlord  | 1.18            | No peer group data available  |
| CH069 RP01 Homes That Do Not Meet the Decent Homes Standard            | 37.6%           | Latest available figures show 43 per cent of London's social housing – approximately 343,000 social homes – do not meet the current Decent Homes Standard |
| CH103 RP02 Repairs completed within target timescale                   | 98.38%          | No peer group data available  |

Data reported as at Q2 2022-23

42. Ongoing work with complaint team and key stakeholders to improve the standard of complaints handling and quality of responses facilitated by the introduction of the Verint system.
43. Focus on improving outcomes and satisfaction in dealing with ASB is a focus of the housing service, this includes better complex case management and updating the ASB procedure to reflect current practice around pursuing resolutions and closure. A review of the ASB service is underway.
44. The remaining measures which are due to be published in June 2024 are set out over the page.

|   |
|---|
| <b>New Measures</b>   |
| Overall satisfaction with service landlord provides                           |
| Satisfaction with overall repairs service                                     |
| Satisfaction with the time taken to complete most recent repair               |
| Satisfaction landlord provides a home that is well maintained                 |
| Satisfaction landlord provides a home that is safe                            |
| Satisfaction that the landlord listens to your views and acts upon them       |
| Satisfaction landlord keeps tenants informed about things that matter to them |
| Agreement that the landlord treats tenants fairly and with respect            |
| Satisfaction with landlords approach to complaints handling                   |
| Satisfaction landlord keeps communal areas clean and well maintained          |
| Satisfaction landlord makes a positive contribution to your neighbourhood     |
| Satisfaction with Landlord's approach to handling anti-social behaviour       |

### **Safeguarding Implications**

45. 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” and the Assurance Framework would support Council Housing Service to deliver this aim.
46. Key themes of the Social Housing Regulation Bill relate to safety and the proposed Assurance Framework would support Council Housing Service to monitor and address safety issues.
47. The Assurance Framework would only enhance our ability to safeguard residents

### **Public Health Implications**

48. 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” and the Assurance Framework would support Council Housing Service to deliver this aim.
49. The Assurance Framework would provide compliance monitoring of safety related TSMs and support Council Housing Service to understand satisfaction levels that may impact wellbeing from timeliness of repairs to being treated fairly and with respect.
50. Council Housing Services would like to note that the Assurance Framework would only enhance our ability to improve the health of the public

### **Equalities Impact of the Proposal**

51. To analyse how the new Council Plan 2023-26 could impact differently on people who share a protected characteristic compared with those who do not, we have completed an Equalities Impact Assessment (EqIA) which is attached with this report at appendix 1. Based on this assessment, we do



not expect delivery of the Council Plan 2023-26 to have any adverse impacts on any group who share a protected characteristic.

52. The EqIA indicates that the Framework is expected to positively impact on all social housing tenants by providing assurance that the Council is providing decent, safe and well looked-after homes to social housing tenants in line with the Social Housing Regulation and four consumer standards.

Implications provided by Sarah Gilroy 07.12.22

### **Environmental and Climate Change Considerations**

53. There is no increase in consumption or emissions associated with the Assurance Framework.
54. Council Housing Services would like to note that the Assurance Framework would have no negative impact on Environment or Climate Action and would ensure close monitoring of stock condition.

### **Risks that may arise if the proposed decision and related work is not taken**

55. Senior Leadership Team and members would not have the transparency needed to ensure governance of compliance against the standards. Senior Leadership team would not be able to gain assurance that residents are being listened to and their safety concerns addresses.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

56. The purpose of the Assurance Framework is to reduce and mitigate risk. Close monitoring of compliance will allow Council Housing Service to understand risks that may arise and provides the framework to demonstrate that actions and improvement are taking place and being monitored

### **Financial Implications**

57. There are no direct financial implications to the proposals in this report but it is important to ensure the financial plan for the HRA supports investment into core priorities for the service.
58. The assurance measures required by the Regulator are on performance of the Housing Service and the costs associated with achieving this is part of the core management and maintenance budget.

### **Legal Implications**

59. The Social Housing (Regulation) Bill (the Bill) had its first reading in the House of Lords on 8 June 2022. The Bill follows the Government's proposals to strengthen the regulation of the social housing sector in the Social Housing White Paper (the White Paper), which was published in November 2020. The majority of the Bill's clauses amend Part 2 of the

Housing and Regeneration Act (HRA) 2008 (as amended) which sets out the framework for the regulation of social housing in England.

60. The most important change in the Bill is the removal of the "serious detriment" test. This test currently requires the Regulator to have reasonable grounds to suspect that a breach of the consumer standards has caused or could cause 'serious detriment' to a tenants or potential tenants before taking any regulatory action. This removal puts consumer standards on an equal footing with the economic standards and will provide a basis for the Regulator to regulate the consumer standards proactively.
61. Registered Providers of Social Housing such as Enfield Council will be required to designate a person to act as a health and safety lead within the organisation. The Bill requires that this must be an employee or officer of the Council so the role cannot be outsourced although there are slightly different arrangements for local authorities in relation to elected members. Importantly for those taking on the role, the Bill clarifies that the health and safety lead is not liable for breaches and legal responsibility for ensuring compliance with health and safety requirements remains with the Council.
62. The Bill also introduces new powers for the Regulator to set standards in relation to providing information to tenants and to the Regulator. This includes an "Access to Information Scheme", which would enable tenants to request information from their local authority/ Registered Provider of Social Housing.
63. The Regulator will have new enforcement powers under the Bill and there are also new sanctions for under-performing organisations. Performance Improvement Plans (PIPs) are a new enforcement measure being introduced as well as the introduction of unlimited fines.
64. The Public sector equality duty came in to force in April 2011 (s.149 of the Equality Act 2010) and Enfield Council is required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010. This is being adhered to as seen by the Equality Impact Assessment appended to this report.

### **Workforce Implications**

65. Development of staff should be included as part of PDR's. The opportunity to develop should be fair and consistent and within scope of job description and grade. If further recruitment needs are identified, a restructure report will be required and the report will need to consider the organisational design principles. Implications provided by Jemima Paddon 06.12.22.

### **Property Implications**

66. HRA property implications: these are found throughout the report.
67. Corporate property implications: none

### **Other Implications**

68. Whilst this report is focused on an assurance framework. Any actions relating to the Assurance Framework that will require expenditure, must follow the Councils contract procedure rules.
69. It also needs to consider the Sustainable and Ethical Procurement policy, regarding Carbon emissions, social value and modern slavery.
70. Contracts set up to deliver the Assurance Framework will need to be robustly contract managed to ensure Value For Money is maintained via the contract. Implications provided by Claire Reilly 30.11.22.

### **Options Considered**

71. Not taking any action to embed an Assurance Framework would prevent Senior Leadership Team and Members gaining assurance on our compliance with Social Housing Regulation. The three line defence Assurance Model is used across many sectors and is a recommended way to provide assurance.

### **Conclusions**

72. Council Housing Services believes the proposed structures should give members assurances that residents are being listened to and safety concerns taken seriously.
73. The proposed option would be to approve the Council Housing Assurance Framework and associated governance as suggested in the report and strengthen the governance around Housing Consumer Standards

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**Report Author: Katie Martell**  
**Service Development and Improvement Lead**  
**Katie.martell@enfield.gov.uk**  
**Tel No. 0208 132 1241**

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### **Background Papers**

**None**