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<b>Title of meeting:</b>	Cabinet Member for Housing & Tackling Homelessness
<b>Subject:</b>	Update on our preparedness for the Social Housing Regulation Act and Building Safety Act.
<b>Cabinet Member:</b>	Cllr Darren Sanders
<b>Date of meeting:</b>	22 February 2024
<b>Report by:</b>	James Hill, Director for Housing, Neighbourhood and Building Services
<b>Author:</b>	Nicola Clannachan, Head of Housing Community Services
<b>Wards affected:</b>	All

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**1. Requested by** Cllr Darren Sanders, Cabinet Member for Housing and Tackling Homelessness

**2. Purpose**

- 2.1** To update on some of the legislative and regulatory changes that have been introduced since the publication of the Social Housing White Paper in 2020.
- 2.2** To set out the actions taken by Housing, Neighbourhood and Building Services in response to legislative change and future planning.
- 2.3** To notify that the Director of Housing, Neighbourhood and Building Services is nominated as the 'responsible person' who is the point of contact and ensures compliance with the social housing regulatory standards.
- 2.4** To notify that the Building Safety Manager is nominated as the 'responsible person' for ensuring Health and Safety in Council properties and housing owned buildings and recognising that the manager will be supported by the Corporate Health and Safety Team, and that ultimate responsibility lies with Portsmouth City Council as a Registered Provider.
- 2.5** To update on the recruitment to the new posts of Housing Policy Officer and Housing Complaints Lead.

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- 2.6** To note the following policies have been recently revised - the lettings policy, domestic abuse policy and safeguarding policy.
- 2.7** To update on the development of a new Resident Engagement Pledge and plan for 2024-2027 and note the resident engagement strategy for the residents within the Council's high-rise buildings.
- 2.8** A report providing a further update on the work underway and planned will be brought forward mid-municipal year notwithstanding that other reports will be presented for decision as and when needed throughout the year.

### **3. The Charter for Social Housing 2020 and Social Housing (Regulation) Act 2023**

- 3.1** The Government published its Social Housing White Paper in 2020 introducing a new Charter for Social Housing Residents. The Charter sets out Government's plans for new regulation, an enhanced Housing Ombudsman to improve complaints handling and new tenant satisfaction measures for social housing landlords to report against. All social housing landlords are expected to deliver on the below seven commitments, which residents should be able to expect from their landlord:
- 3.1.1 To be safe in your home.
  - 3.1.2 To know how your landlord is performing, including on repairs, complaints and safety, and how it spends its money.
  - 3.1.3 To have your complaints dealt with promptly and fairly, with access to a strong Ombudsman.
  - 3.1.4 To be treated with respect, backed by a strong consumer regulator and improved consumer standards for tenants.
  - 3.1.5 To have your voice heard by your landlord.
  - 3.1.6 To have a good quality home and neighbourhood to live in, with your landlord keeping your home in good repair.
  - 3.1.7 The government will ensure social housing can support people to take their first step to ownership.
- 3.2** The Social Housing (Regulation) Bill became law on the 20 July 2023 providing the legal basis for many of the measures set out in the Charter for Social Housing Residents. The key changes the Act will bring include:
- **Intervention** – the Regulator of Social Housing can set up a proactive regulatory approach to the consumer standards.
  - **Health and safety** – social housing landlords must designate a person to act as lead on compliance with health and safety obligations and publish their contact details.
  - **Regulatory standards** – the Regulator can set new regulatory standards and issue a code of practice on them.

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- **Tenant satisfaction measures** – the Regulator can require social housing landlords to collect tenant satisfaction measures.
- **Surveys** – the Regulator has the power to enter properties with only 48 hours' notice and make emergency repairs where there is a serious risk to tenants.
- **Emergency remedial action** – the Regulator can authorise persons to enter premises to take emergency remedial action to remedy failures by a landlord.
- **'Awaab's Law'** – the Regulator will set strict time limits for landlords to address hazards such as damp and mould.
- **Performance improvement plans** – the Regulator can give notice to require a landlord to prepare and implement a performance improvements plan where the landlord is failing to meet the regulatory standards.
- **Inspections** – the Regulator will carry out regular inspections of the largest social housing landlords and has the power to issue unlimited fines to failing landlords.
- **Professionalism** – the Regulator can set new qualification requirements for social housing managers.

### **4 Building Safety Act 2022**

- 4.1 The Building Safety Act 2022 is new legislation that sets out safety requirements for landlords of High-Rise Residential Buildings (HRRBs). These are defined as buildings with at least two residential units which are at least 18 metres in height or have at least 7 storeys. The Act was fully implemented in October 2023. New fire safety guidelines have also been implemented for all buildings regulated by the Regulatory Reform (Fire Safety) Order 2005 (FSO).
- 4.2 The Act creates three new bodies to provide oversight of the new regime: the Building Safety Regulator, the National Regulator of Construction Products and the New Homes Ombudsman.
- 4.3 The Act requires us to engage with the residents of each block, giving them specific information and we must also involve residents in certain building safety decisions. For each HRRB there must be a resident engagement strategy. There must also be a separate complaints procedure that residents and others can use to raise safety concerns.

### **5 Consumer Standards**

- 5.1 Social housing landlords must meet 'consumer standards' set by the Regulator of Social Housing which cover things like making sure tenants get quality accommodation, have choice and protection, and can hold their landlords to account.
- 5.2 On the 25 July 2023, the Regulator published a consultation on a new set of proposed consumer standards and a code of practice on those standards. They are

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expected to come into force from April 2024 replacing the existing consumer standards. The proposed consumer standards are:

- **Safety and Quality Standard** – requires social housing landlords to provide safe and good quality homes and landlord services to tenants.
- **Transparency, Influence and Accountability Standard** – requires social housing landlords to be open with tenants and treat them with fairness and respect so that tenants can access services, raise complaints when necessary, influence decision making and hold their landlord to account.
- **Neighbourhood and Community Standard** – requires social housing landlords to engage with other relevant parties so that tenants can live in safe and well-maintained neighbourhoods and feel safe in their homes.
- **Tenancy Standard** – sets requirements for the fair allocation and letting homes and for how those tenancies are managed and ended by social housing landlords.

5.3 In response to the changes set out a working group made up of representatives across service areas has been working on an extensive action plan to ensure our commitments to tenants are met

## **6 Building Safety Response**

- 6.1 The Building Safety Team have worked proactively, aiming to ensure compliance with the multiple changes brought in by the amended Fire and Building Safety legislation, e.g., installing CO2 monitors across our housing stock, moving to a new electrical safety check regime and in creating revised Damp and Mould and Fire Safety policies.
- 6.2 The Building Safety Manager is nominated as the designated employee to act as a lead for health and safety compliance for housing owned properties and buildings, working in partnership with the Corporate Health and Safety Team. Ultimate responsibility for compliance lies with Portsmouth City Council.
- 6.3 The Building Safety Manager has registered all of the City Council's HRRBs with the Building Safety Regulator. The registration required key information to be provided, such as each buildings address, height, number of flats, number of stairwells etc. The Building Safety Team are now gathering supporting information and producing the building safety case reports for all PCC's 22 HRRB's. The aim is to have all Safety Case Reports ready ahead of the date when they could be required by the Regulator. PCC has commissioned FR Consultants Ltd to assist with relevant surveys and investigations.
- 6.4 To comply with the requirement to have a bespoke engagement strategy for each HRRB, residents across our 22 HRRBs have been consulted to inform an overarching strategy and information that will go to all residents over the age of 16 living in each HRRB. This engagement strategy is presented within the appendices of this report for noting (Appendix A).

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### **7 Consumer Standards response**

- 7.1 The Director of Housing, Neighbourhood and Building Services is nominated as the 'responsible person' who is the point of contact for the Housing Regulator and ensures compliance with the housing regulatory standards.
- 7.2 Officers have responded to the Regulator's consultation on the new proposed consumer standards, working with residents to ensure that their views on the proposals were represented in our response to the Regulator.
- 7.3 Officers have responded to the Regulator's consultation on their proposed approach to regulating the sector, and a further consultation on the proposed changes to the fee principles, which would see local authority landlords paying an annual fee set by reference to the number of social housing units owned (proposed at around £7-8 per property). This potential additional cost has been noted as a potential pressure in the budget for 24/25.
- 7.4 In preparation for the new regulatory regime due from April 2024 officers have reviewed the existing and proposed consumer standards to check if they are met, identifying actions that have been completed or are in the future work plan. A review of the evidence that can be provided to the Regulator to demonstrate our approach and performance is being undertaken, for example, Governance & Audit & Standards Committee (GASC) reporting, audit reports, systems development interventions and decision-making within the democratic process etc.
- 7.5 The recruitment to a new housing policy officer role supports services in writing and reviewing policies in line with an ever-changing operating environment. Working within the local authority many of our existing policies have been created in partnership with wider local authority services, however, there is a requirement for us to create more specific policies that are more explicit in our approach as a landlord and to set out future plans for our housing residents.
- 7.6 The policy officer has a plan to review all current policies and procedures to ensure that they are up to date, consulted on with residents, and published so that they are accessible to our residents, enabling greater transparency and accountability.
- 7.7 Revised policies are in the appendix of this report for noting, including the Lettings Policy (appendix B), Safeguarding Policy (appendix C), and Domestic Abuse policy (appendix D). A revised neighbourhood strategy is currently in draft and under consultation.
- 7.8 A Systems Development Service assessment of our Anti-Social Behaviour service has provided robust and critical challenge to ensure that we continuously improve. A resulting restructure of the service has been completed. A revised Anti-Social Behaviour policy is in draft and will be presented in a future meeting. The revised

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approach seeks to ensure that we are working closely with residents and key stakeholders to support communities to become more resilient and to feel safer.

- 7.9 The introduction of tenancy update visits seeks to ensure that requirement to regularly review who is living in our homes, and to collate demographic data about our tenants is met. Whilst our contractors visit each property annually to complete safety checks and flag issues or tenants that they have concerns about, these visits also enable Housing Officers to make sure that they are aware of current needs and consider building safety, for example identifying and completing personal evacuation plans for those unable to self-evacuate in an emergency or supporting with issues of hoarding. They also enable greater proactivity in identifying and tackling sub-letting, under and over-occupation, and in spotting any signs of unreported disrepair. Area office teams have prioritised visits to residents that may be more vulnerable or those with whom there has been no contact for over 18 months.
- 7.10 Housing Management follow the Portsmouth City Council allocations policy with the HNAS team having 100% nomination rights to allocate to all vacant Local Authority Housing properties. We have worked with HNAS to review the wider City Council allocations policy.
- 7.11 The qualifications held by housing managers across the Service has been reviewed in view of the new requirement that "senior housing executives" will require a foundation degree or level 5 qualification, whilst "senior housing managers" will require a level 4 qualification in housing management. Vastly experienced in delivering housing services over multiple decades, the Assistant Director for Housing, and the Head of Local Authority Housing are currently studying towards their Level 5 CIH qualification to ensure qualification at a suitable level. There are plans for further senior housing staff and those who have responsibility for the day-to-day management of the provision of services to enrol in the future. The service continues to offer apprenticeships at all levels in a range of disciplines, for example in customer service; housing; management and leadership; and building surveying.

## **8 Resident engagement and communication**

- 8.1 A resident engagement survey was undertaken in winter 2022/23, seeking views on how we communicate and engage with tenants and leaseholders, and to pilot our approach to collecting tenant satisfaction measures. The report is available on the city council website. The results from this survey have been used to help inform plans for services moving forward.
- 8.2 In autumn and winter 2023, officers further sought residents' views on the creation of our Resident Engagement Pledge and our future plans for 2024-2027. Our priorities over the next 3 years are to:

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- Improve the way we communicate with residents, providing greater transparency about the services we provide.
- Engage with more residents and provide them with the opportunity to share feedback in ways that suit their needs.
- Ensure that residents are better able to scrutinise our performance and hold us to account.
- Get to know our communities better and empower them to make positive changes to address local issues.

Revised information sets out our commitment to partnership working with residents and our continuing commitment to encourage residents to be involved. The document is included in the appendix for noting (Appendix E).

- 8.3 A newly created resident engagement communications specialist post has been created, with a new communications strategy going forward, which incorporates plans to review equality of access to information and effective communication with those with additional needs or barriers to communication. Officers have worked with residents to review our current website, letters sent to residents, and the format and content of our tenant and leaseholder magazine HouseTalk and have further considered the way that we communicate with residents across service areas.
- 8.4 A new tenants and leaseholder website landing page <https://www.portsmouth.gov.uk/services/housing/council-tenants-and-leaseholders/> assists with navigating to relevant information online. Visibility of our performance (how well or badly we are doing) is increasing with performance measures published in our revised resident magazine, HouseTalk, with plans for this information to be routinely published on our website. We seek to increase residents understanding about the service standards they should expect from us, and their own responsibilities through further updates to the website, the creation of video content, and the development of our social media presence.
- 8.5 Early work is underway to consider a 'housing service' logo which will help council housing tenants and leaseholders connect with the services provided by the landlord. The work will not create a separate 'brand' and will maintain the direct association of the housing service with Portsmouth City Council.
- 8.6 Alongside renewed online engagement the HNBS team are working collaboratively to encourage customers and ward councillors to attend estate walkabouts with representatives from across service areas, with the option for residents to request a HRRB block walk for residents who may want reassurance about building safety. The aim is to improve engagement and increase contact with residents - sharing vital messages and information and addressing issues that are important to residents. Examples include identifying repairs and jointly considering neighbourhood improvement priorities.

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### **9 Tenant Satisfaction Measures (TSM)**

- 9.1 Whilst in the main the TSMs are prescribed by the Regulator, officers worked with residents on what our approach should be in capturing responses to our tenant perception survey, influencing the promotional material and incentives for participation, the additional survey questions, the design of the questionnaire and the introductory wording.
- 9.2 From August to December, following an amendment to our privacy notice, we invited our tenants and leaseholders to take part in the survey to be used to calculate the annual tenant satisfaction measures. The results of the survey will be made available on our website and in HouseTalk magazine, in a format agreed with residents, and shared with housing portfolio members.
- 9.3 Changes have been made to our computer systems to enable us to capture performance management information to be reported on, however there are some measures that we may not be able to report on as they are not in line with our current way of working - for example there is a requirement to specify target repair times and then to report on whether this has been met.
- 9.3.1 Our repairs service focuses on delivering the 'right repairs at the right time' and is driven by the customer nominal value. We provide the same level of repairs service out of hours as we do in hours. In practice we take an approach whereby residents set their own timescale for a repair to be done, and more than one repair can be reported at once meaning that data required to report cannot be extrapolated from the system.
- 9.3.2 Moreover, when responding to a repair contractors should ask if there are any other repairs that need completing and then respond to these, adding these additional works to the same record and extending the timescale for a repair to be closed.
- 9.3.3 We are confident that we are meeting all the statutory requirements and will need to discuss with the social housing regulator how we report on the performance of the repairs service and avoid a perverse consequence that we adopt a service standard to simply meet the targets.

### **10 Response to changes relating to complaints.**

- 10.1 Officers have responded to the Housing Ombudsman Complaint Handling Code consultation on the complaints handling code and their outline proposals for monitoring compliance.
- 10.2 A review of the way that complaints are currently managed and reported on led us to propose that these should be brought into our service area, rather than continuing with the existing arrangement with Corporate Services. This move





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allows the Service greater visibility and understanding of complaints, enabling early identification of trends or themes and greater monitoring of resulting actions.

- 10.3 A new Housing Complaints Lead position has been recruited to, and steps are being taken to establish a new process and contact point for landlord specific complaints and any complaints in relation to building safety concerns. These will be in place for April 2024, with the new process communicated widely. We will ensure that we continue to work in partnership with the Corporate Complaints team, providing the necessary reports.

**11 Conclusion**

- 11.1 The legislative and regulatory changes which have been introduced are significant and wide-reaching, impacting the operational and strategic approaches taken in delivering Housing, Neighbourhood and Building services in the future, including where funds are allocated, the range of data collected and the way our residents are involved in all that we do.
- 11.2 As the council responds and reacts to this new legislative and regulatory regime, any changes in service delivery which may lead to additional expenditure or may attract opportunities for savings will be assessed and scrutinised appropriately.
- 11.3 Much of the work to date has focussed on establishing a strong foundation in readiness for the 1st of April 2024. Work will continue throughout the year to strengthen the initial work, further engage and consult, and to work with the social housing regulator to assure requirements are met where we have differences in how we measure the performance of our service.

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Signed by James Hill, Director of Housing, Neighbourhood and Building Services

**Appendices:**

- Appendix A – Building Safety – Resident Engagement Strategy 2024
- Appendix B – Lettings Policy 2024
- Appendix C – Safeguarding Policy 2024
- Appendix D – Domestic Abuse Policy 2024
- Appendix E – Resident Engagement – Our Approach 2024-2027

**Background list of documents: Section 100D of the Local Government Act 1972**

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The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Charter for Social Housing 2020	<a href="https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper">https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper</a>
Social Housing (Regulation) Act 2023	<a href="https://www.legislation.gov.uk/ukpga/2023/36">https://www.legislation.gov.uk/ukpga/2023/36</a>
Building Safety Act 2022	<a href="https://www.gov.uk/guidance/the-building-safety-act">https://www.gov.uk/guidance/the-building-safety-act</a>
Fire Safety Act 2021	<a href="https://www.gov.uk/government/publications/fire-safety-act-2021">https://www.gov.uk/government/publications/fire-safety-act-2021</a>
Regulator of Housing Regulatory Standards	<a href="https://www.gov.uk/guidance/regulatory-standards">https://www.gov.uk/guidance/regulatory-standards</a>
Housing Ombudsman Complaint Handling Code	<a href="https://www.housing-ombudsman.org.uk/wp-content/uploads/2022/03/Complaint-Handling-Code-Published-March-2022-1-1.pdf">https://www.housing-ombudsman.org.uk/wp-content/uploads/2022/03/Complaint-Handling-Code-Published-March-2022-1-1.pdf</a>