

**Title: Regulatory Changes Overview**

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## **1. Background**

- 1.1. The impact and aftermath of the Grenfell Tower fire in 2017 has provided the impetus behind a range of regulatory changes that will have an impact on the relationship between social housing landlords and their tenants and the regulatory and governance environments that landlords operate in.
- 1.2. This report will bring the new Leeds Housing Board members and tenant representatives up to date with the changes and their implementation.

## **2. Main Points**

- 2.1. In November 2020, the government published its white paper 'The Charter for Social Housing Residents', which set out what social housing tenants can expect from their landlords. Every social housing tenant should:
  - be safe in their home
  - know how their landlord is performing
  - have their complaints dealt with promptly and fairly
  - be treated with respect
  - have their voice heard by their landlord
  - have a good quality home and neighbourhood to live in
  - be supported to take their first step to ownership
- 2.2. The white paper also set out the government's plans to give the Regulator of Social Housing (RSH) greater power around consumer regulation, increase transparency so tenants can see how their landlord is performing including Tenant Satisfaction Measures (explained in detail below), improving tenant engagement and reviewing the decent homes standard.
- 2.3. Following on from the white paper, in October 2022 the government brought before parliament the Social Housing (Regulation) Bill.
- 2.4. The Bill will reinforce the 'co-regulatory' approach that needs to be in place between the RSH and social housing landlords.
- 2.5. This means that landlords are responsible for meeting the required standards and can provide that assurance to the RSH.
- 2.6. The Bill has three core objectives:
  - **to facilitate a new, proactive consumer regulation regime**
    - the Bill makes safety and transparency explicitly part of the RSH's objectives and gives it new powers on transparency and provision of information.
    - the government will remove the serious detriment test (a legislative barrier to regulator action on consumer issues) and the government

will require landlords to nominate a designated person for health and safety issues.

- the Bill also makes provision for the introduction of new requirements for social housing landlords relating to electrical safety checks.
- **to refine the existing economic regulatory regime**
  - the Bill refines the RSH's current economic regulatory role, ensuring that providers are well governed and financially viable to protect homes and investment in new supply.
  - this will support the existing work of the regulator, creating continued stability and viability in the sector through robust economic regulation.
  - the government is aiming to encourage continued investment in the sector, to support the development of new homes, while protecting tenants from the risks of provider insolvency.
- **to strengthen the Regulator for Social Housing's powers to enforce the consumer and economic regimes**
  - new enforcement powers for the RSH, so it can intervene where required.
  - this will encourage landlords to maintain standards, to avoid enforcement action, and gives the RSH the tools needed to deal with non-compliance where it occurs

2.7. The Bill proposed several other major changes to the RSH's powers:

- **Removal of the 'serious detriment test':** This means the RSH is free to review performance or complaints about social housing providers previously limited to what was referred to as "at risk of serious detriment." This previous restriction limited the ability of the regulator to investigate or monitor standards.
- **Removal of the fine limit of £5,000:** Removal is seen as a positive move, especially as housing providers are multi-million-pound private companies and councils.
- **Shorter notice period for condition surveys:** The timescale will be reduced from the current 28 days, before a survey must be carried out, to just two days.
- **Performance improvement plans:** The RSH will be able to require landlords to comply with such plans where there has been a breach of standards.
- **Safety:** This requirement has been placed on the regulator. It includes:
  - Setting standards that can then be enforced
  - Social landlords must appoint a named health and safety officer
  - Social renters will have standards set and accountability on safety set
  - A focus on transparency
  - A new advisory panel of tenants and landlords

- 2.8. As the Bill has progressed through the various parliamentary stages through both chambers there have been a number of amendments put forward, most notably:
- Awaab's Law – following the death of the toddler Awaab Ishak due to respiratory problems caused by damp and mould, an amendment known as Awaab's Law will require landlords to investigate and fix reported hazards in their homes within a specified time frame or rehouse tenants where a home cannot be made safe.
  - An amendment that will require all social housing managers to have a professional qualification. The aim of this change is to help to protect residents and raise standards, ensuring residents receive a high level of service and are treated with respect at all times
  - An amendment enabling the Social Housing Regulator to set a standard relating to information and transparency requiring social landlords to provide residents with information on how they can make a complaint against them.
- 2.9. The Bill is in its final stages and is expected to receive Royal Assent shortly.

### **3. Consumer Standards**

- 3.1. The Bill will give the Regulator the power to amend and update the existing Consumer Standards, which set out the standards landlords must meet in a number of areas.
- 3.2. The current 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
  - Tenancy Standard – how properties are allocated/exchanged and terms around tenure (this was introduced from April 2023, in line with the requirement to collect TSM data.)
- 3.3. Once the Bill has become law the RSH will begin consulting on the new proposals for the updated Standards.
- 3.4. As part of the preparation for the introduction of the new Standards, the Housing Service is carrying out self-assessments of our performance with the current standards, which will give us a good benchmark going forward.
- 3.5. To date the RSH's regulation of the Consumer Standards has been reactive, responding to referrals or other information received where a failure to meet a standard has or could have caused serious harm to tenants. However, once the Social Housing Bill is enacted the RSH will

have a more proactive role in ensuring that the Consumer Standards are met.

- 3.6. The self-assessments will confirm compliance with the Consumer Standards but also to consider the strength of its compliance and areas of possible improvement. The Regulator has over the last year or so indicated that it does expect some key principles to be evidenced by organisations in meeting each of the consumer standards, including data recording and quality and openness and transparency. Our self-assessments are therefore intended to look not just at our basic compliance with the standard, but also to consider the robustness of evidence available to support our compliance, wider data recording and data quality and how open and transparent our compliance is to customers.
- 3.7. The self-assessments are being undertaken by a range of senior officers who are involved in delivering the standard, co-ordinated by the Policy Officer (Housing). For each required outcome consideration is being given to the extent that we engage with customers relating to meeting the required outcome:
- Was their consultation / engagement in the development of the strategy or policy and was this used to influence the strategy / policy? Did we publicly launch the strategy or policy and is it available to the public? Was there a robust equality impact assessment?
  - Do we collect ongoing customer feedback, e.g. customer satisfaction surveys to identify ongoing satisfaction with our compliance with the standard? Does this include monitoring of equality? Do we analyse complaints and identify lessons learnt? Do we use complaints and survey feedback to improve service quality?
  - How effectively do we communicate performance / customer satisfaction / outcomes to customers to evidence the extent of our compliance with the required outcome? Do we feedback to customers following customer feedback surveys about how we have used their feedback?
  - Over the coming months we will engage with the newly formed Tenant Voice Panel to seek their input into the self-assessments.
- 3.8. The self-assessments will be brought to the Leeds Housing Board for consideration later in 2023.

#### **4. Tenant Satisfaction Measures**

- 4.1. The RSH has also implemented a new system designed to assess how well social housing landlords are performing in providing good quality homes and services for their tenants.
- 4.2. In addition to the changes to the Consumer Standards outlined above, it has also introduced twenty-two new 'Tenant Satisfaction Measures' (TSMs).

- 4.3. These are intended to make landlords' performance more visible to tenants, and to help tenants hold their landlords to account.
- 4.4. Twelve of the TSMs are collected via a tenant perception survey.
- 4.5. In Leeds these will be carried out quarterly and began in April 2022 in order to give us a year to get a system in place. The first year's results are examined in detail in a subsequent report at this meeting.
- 4.6. The remaining ten are collected from internal management data.
- 4.7. The TSMs are:

<b>TSMs collected from tenant perception surveys</b>	
<b>Code</b>	<b>Title</b>
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
TP05	Satisfaction that the home is safe
TP06	Satisfaction that the landlord listens to tenant views and acts upon them
TP07	Satisfaction that the landlord keeps tenants informed about things that matter to them
TP08	Agreement that the landlord treats tenants fairly and with respect
TP09	Satisfaction with the landlord's approach to handling complaints
TP10	Satisfaction that the landlord keeps communal areas clean and well maintained
TP11	Satisfaction that the landlord makes a positive contribution to neighbourhoods
TP12	Satisfaction with the landlord's approach to handling anti-social behaviour
<b>TSMs generated from management information</b>	
CH01	Complaints relative to the size of the landlord
CH02	Complaints responded to within Complaint Handling Code timescales
NM01	Anti-social behaviour (ASB) cases relative to the size of the landlord
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

- 4.8. TSM data will be required to be submitted to the RSH annually, so the first submission will be in spring/summer 2024, covering the 2023/24 municipal year.

## **5. Building Safety Act implementation**

- 5.1. Another part of the government's response to the Grenfell Tower fire is the Building Safety Act 2022, which came into force on 1st April 2023.

- 5.2. It introduces new responsibilities for the management of high rise buildings, and is intended to help people be and feel safer in their homes and will change the way buildings are designed, constructed, and managed.
- 5.3. It applies to new and existing buildings over eighteen metres or seven storeys high and creates two new key roles. The Health and Safety Executive will function as the new Building Safety Regulator (BSR) and will have powers to enforce the rules and act against those that break them. For high-risk properties, they will be able to implement more stringent rules, including how they are designed, constructed, and occupied.
- 5.4. The new role of 'Accountable Person' has also been created, who will be responsible for registering the building with the Building Safety Regulator and regularly logging information about the building to reviewing risk assessments.
- 5.5. The Bill has introduced the concept of the 'golden thread' – an always accessible, digital audit trail throughout the life of a building, a 'single source of truth' for each building.
- 5.6. In Leeds, the latest developments are:
  - Work is being undertaken on various workstreams to meet the new regulation, looking at building safety and tenant communications, for example.
  - A Building Safety Co-ordinator has been recruited and registration of all our 118 buildings has begun. All buildings must be registered and key building information supplied to the Health and Safety Executive (HSE) by October 2023.
  - Each of the 118 high rise registered buildings will have its own unique 'Building Safety Case' which are currently under development. These documents must be submitted to the HSE by March 2024.
  - A dedicated project team has been assigned through IDS to deliver the golden thread of data. A solutions architect is in place looking at how we design a digital portal that meets the requirements of the HSE. This will include key information for each building – number of floors, number of lifts, details of the building's surroundings, relevant certificates, etc.

## **6. Openness and Accountability**

- 6.1. A key principle of the new regulatory approach is the importance of landlords evidencing openness and transparency and proactively seeking to hear the voice of residents. Housing Leeds has a number of mechanisms in place to ensure that the voice of residents is heard:
  - Tenant Voice Panel – a newly formed mechanism to strengthen tenant influence and a strategic and operational level with 172 residents who have volunteered to act as sounding boards for policy / strategy developments, comment on communications etc.

- Tenant Scrutiny Board – a longstanding group of tenants who undertake inquiries on particular services, with their current inquiry being into the service’s management of damp and mould cases.
  - Your Voice Leeds – a digital engagement tool available to the service to seek feedback on particular issues, proposed policy changes, local priorities. E.g. digital estate walkabouts.
  - ‘Communities on Top’ model of local tenant engagement, adopting Asset Based Community Development principles of building on community assets.
  - Housing Advisory Panels – 11 local panels of tenants and elected members to influence local service delivery and performance, with a budget to support projects in support of local priorities.
- 6.2. The Leeds Housing Board has recently been established, bringing together tenants and elected members at a strategic level to advise the Council on its compliance with the regulatory framework and identify priorities for strengthening its compliance.

## **7. Recommendations**

- 7.1. Leeds Housing Board members are requested to note the regulatory changes and comment on actions being taken by Housing Leeds in response to the changes.
- 7.2. The Leeds Housing Board will be kept updated on the regulatory changes and how they are being implemented in Leeds as they happen.