

Homes and Neighbourhoods
Islington Council
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Report of: Ian Swift, Director of Housing Needs and Strategy

Meeting of: Housing Scrutiny Committee

Date: 13th March 2023

Social Housing (Regulation) Bill

Recommendation

This report is to provide the Housing Scrutiny Committee with information on the Social Housing (Regulation) Bill which will be introduced and to ensure the council is publicly accountable, honest, and transparent when improving the quality of services to tenants across Islington.

Background

Since June 2022 the Social Housing (Regulation) Bill has been making its way through the parliamentary process, introduced into the House of Lords in June and received its third reading at the end of October. It is now being considered by the Commons before receiving Royal Assent.

The Bill, trailed in the Social Housing White Paper in 2020, has two very notable focus areas. These are: fundamental reform to the remit and powers of the Regulator for Social Housing (RSH) – from reactive to proactive regulation; and a focus on Health and Safety matters including tenant empowerment.

Health and safety regulation for social housing is broadly contained within the 'consumer standards', these apply to Islington Council in the same manner as Housing Associations – there won't be any special treatment.

The argument for reform in these focus areas was well made at the time. The Regulator of Social Housing Consumer Regulation Review 2021-22 outlined examples of interventions on consumer regulation. It showed a marked increase in the number of regulatory referrals (up 10% - to 653- year on year) as well as the

proportion of referrals being escalated to the Consumer Regulation Panel (increased from 40% to 46% year on year).

Of the eight findings of breach to the consumer standard, five were local authorities. Interestingly all five were as a result of self-referrals to the regulator, which shows, at least in those authorities, an appreciation of responsibility for compliance as well as a culture of openness. On the flip side, this also could be interpreted by some to mean local authorities are performing less well than Housing Associations, accounting for a disproportionate number of regulatory breaches. Since the end of the Consumer Regulation Review's period, Local Authority regulatory notices have continued to be published and consumer compliance issues are likely further to come under the spotlight following the Regulator of Social Housing's new proactive approach to regulation. The Regulator of Social Housing has encouraged Local Authorities to prepare for the shift to a more muscular regulatory approach.

Social housing health and safety is in the spotlight. The Regulator's new powers will be a key reform that ministers will surely hold up to show they are seeking to address the sector-wide issues. The recent issues in Rochdale and the way the Government directly intervened brings this into sharp focus.

Elected Members are also aware of the special investigation currently being conducted by the Housing Ombudsman at Islington Council relating to Damp and Mould.

Currently the Regulator of Social Housing will only investigate a potential breach if there is a referral regarding non-compliance, either a self-referral or from an interested party, such as a tenant, charity or local politician. Furthermore, the Regulator of Social Housing will only investigate if the failure is to the serious detriment of tenants or potential tenants. The 'serious detriment' hurdle is to be removed by the Bill, which lowers the bar for Regulator for Social Housing's investigations. The Bill proposes that the Regulator for Social Housing obtain more wide-reaching powers to seek assurance from Local Authorities on standards compliance. The new approach to proactive regulation will require upfront information from landlords which the Regulator will likely assess against the new tenant satisfaction reports to corroborate the landlord's evidence (The Housing Scrutiny Committee received a report on Tenancy Satisfaction Measures at the 2nd of February 2023, meeting). Furthermore, in a show of even more muscularity, more recent amendments from the House of Lords have included a duty on the Regulator to implement a plan for regular and one-off inspections of Local Authorities and Housing Associations.

Housing Associations have a head start on Islington Council in more proactive regulatory style, as Islington Council have not been subject to In Depth Assessments (IDAs) as well as being organisations which are – as their name suggests - more concentrated and specialised on delivery of social housing. However, irrespective of the model used to inform the Regulator, establishing compliance with any new regulatory aspects will, put most obviously, simply require Islington Council to be certain that it is complying with the current standards. That might sound trite but how does Islington Council satisfy itself that it is complying with the standards? For

Housing Associations there is typically a Board of Directors with strategic oversight. For Islington Council the governance model will differ. Islington Council has the this meeting the Housing Scrutiny Committee, the Executive meeting, Full Council and other Scrutiny Committee's. Good governance, as always, is key to getting this right.

Overwhelmingly the regulatory notices published by the Regulator of Social Housing relating to local authorities have concerned the Homes Standard regarding health and safety matters relating to electrical, gas, water, asbestos and fire safety. Often this was where the local authorities had not completed the requisite inspections on a scale that amounted to a potential serious detriment to tenants.

With those breaches in mind, which are probably much more widespread than the number of regulatory notices suggest, an important aspect of the Bill that Islington Council will need to address is appointing a health and safety lead. This person is responsible for monitoring Islington Council's compliance with health and safety requirements relating to the health and safety of the tenants of Islington Council.

We expect further information from the RSH this year on a direction of travel. There is no reason for Islington Council to wait for any of that to start taking steps to establish compliance systems and processes. It is also a good opportunity to consider Islington Council's current performance management model to see whether it could be further enhanced to respond to the new, more muscular, approach of the Regulator.

The Tenant Satisfaction Measures

The TSMs are grouped into 5 themes: keeping properties in good repair; maintaining building safety; respectful and helpful engagement; complaints handling; responsible neighbourhood management.

| Keeping properties in good repair | Maintaining building safety | Respectful and helpful engagement | Complaints handling | Responsible neighbourhood management |
|---|--|--|---|--|
| TP02: Satisfaction with repairs | TP05: Satisfaction that the home is safe | TP06: Satisfaction that the landlord listens to tenant views and acts upon them | TP09: Satisfaction with the landlord's approach to handling of complaints | TP10: Satisfaction that the landlord keeps communal areas clean and well maintained |
| TP03: Satisfaction with time taken to complete most recent repair | BS01: Gas safety checks | TP07: Satisfaction that the landlord keeps tenants informed about things that matter to them | CH01: Complaints relative to the size of the landlord ³ | TP11: Satisfaction that the landlord makes a positive contribution to neighbourhoods |
| TP04: Satisfaction that the home is well-maintained | BS02: Fire safety checks | TP08: Agreement that the landlord treats tenants fairly and with respect | CH02: Complaints responded to within Complaint | TP12: Satisfaction with the landlord's approach to handling anti-social behaviour |

| | | | Handling Code timescales | |
|--|------------------------------|--|--------------------------|---|
| RP01: Homes that do not meet the Decent Homes Standard | BS03: Asbestos safety checks | | | NM01: Anti-social behaviour cases relative to the size of the landlord ⁴ |
| RP02: Repairs ⁵ completed within target timescale | BS04: Water safety checks | | | |
| | BS05: Lift safety checks | | | |

The Housing Scrutiny Committee will be receiving regular performance reports on the above Tenancy Satisfaction Measures to ensure we are accountable to our residents and the council becomes the best Housing service in the country.

Financial Implications

There are no known financial implications associated with the Tenancy Satisfaction Measures.

Legal Implications

There are no known legal implications associated with the Tenancy Satisfaction Measures.

Glossary

The Social Housing (Regulation) Bill: together with Fire Safety Act 2021 and Building Safety Act 2022, represents part of the government's response to the Grenfell Tower tragedy of June 2017. It follows a 2018 green paper on social housing and accompanying call for evidence on social housing regulation, and a 2020 social housing white paper. The Bill is currently at Report stage (18th October 2022) in the House of Lords. <https://bills.parliament.uk/bills/3177>

The Regulator of Social Housing: an independent body tasked to focus on regulating the social housing sector at an organisational level. It can receive referrals from tenants, registered providers of social housing and other sources relating to its standards on homes, neighbourhood and community, tenancy or tenant empowerment and involvement. The Social Housing (Regulation) Bill includes new powers for the Regulator of Social Housing intended to bring more focus on how consumer issues are regulated in the sector.

The Housing Ombudsman: investigates and resolves individual complaints made by tenants, shared owners, and leaseholders about their landlords. The Ombudsman and Regulator are required to cooperate with each other.