

SLOUGH BOROUGH COUNCIL

REPORT TO: Neighbourhood and Community Services Scrutiny Panel

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PART I - TO NOTE

TENANT LED CO-REGULATION IN SLOUGH – SLOUGH CUSTOMER SENATE (SCS)

1 Purpose of Report

The purpose of this report is to:

- Inform the panel about how tenant led co-regulation is structured in Slough
- How it meets statutory requirements
- Explain the background/role of the Slough Customer Senate
- How effective tenant led co-regulation has been
- How funds relating to the Slough Customer Senate are being spent

2 Recommendation(s)/Proposed Action

That the Panel scrutinise the arrangements for tenant led co-regulation in Slough to ensure that it is working effectively.

3 Slough Wellbeing Strategy Priorities

Priorities:

- Economy and Skills
- Health and Wellbeing
- Regeneration and Environment
- Housing
- Safer Communities

By the very nature of the scrutiny role that SCS undertake their role impacts on all of the above priorities. By developing the skills of all volunteers (including those involved in SCS) this can improve the economy by empowering more volunteers and where possible potentially leading to new employment opportunities using the skills developed from volunteering.

Good quality housing (and housing management service delivery) is essential to health and wellbeing. Working together with the community results in a better

environment, regeneration opportunities (as in Britwell) and ultimately leads to sustainable and safer communities.

Civic responsibility – SCS are championing the needs of Slough Borough Council tenants and leaseholders. As ambassadors they are leading by example and demonstrating that taking an active part in representing their neighbourhoods can make a real difference. The impact can improve neighbourhoods, communities and the town as a whole, showing that everyone can make a difference no matter how big or small.

Improving the image of the town – SCS are working with Slough’s diverse community to reach out, engage and involve tenants and leaseholders in improving services, neighbourhoods and the image of the town. A town which everyone can be proud of.

4 **Joint Strategic Needs Assessment (JSNA)**

Not Applicable

5 **Other Implications**

(a) Financial

The Housing Revenue Account (HRA) supports the operation of SCS with a commitment to resource both the operational costs and expenses associated with each review and the overhead costs associated with the Panel Structure (further recruitment, training and mentoring, administration, expenses (including office costs at Fox Road) and publicity). An annual allocation of up to £35,000 is available to cover these costs.

It is intended that a system of regular review/assessment of the panel’s effectiveness and impact is undertaken by the Head of Housing and Assistant Director of Housing and Environment.

(b) Risk Management

Risk	Mitigating action	Opportunities
Legal	The introduction of Tenant Scrutiny in Slough will enable the authority to meet the co-regulation standards as set out in regulatory framework for social landlords introduced in April 2012	Area Panels have been developed to ‘bolster’ co-regulation and act as a support to SCS by working in partnership and identifying service failures which may need further investigation/scrutiny
Property	None	None
Human Rights	None	None
Health and Safety	None	None
Employment Issues	None	None
Equalities Issues	None	None
Community Support	None	None

Communications	Poor communication of service standards and service reviews increases the risk of complaints and doubt over value for money	SCS produces regular articles in the bi-monthly housing service newsletter (Streets Ahead). SCS is also working on a communications plan which will include a marketing campaign to raise awareness of the panel and its achievements, and also act as a vehicle to draw in new members. A new independent website is also in development.
Community Safety	None	None
Financial	None	None
Timetable for delivery	None	None
Project Capacity	None	None
Other	None	None

(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act implications in connection with this report.

OTHER LEGAL IMPLICATIONS

The National standards for Social Housing became a requirement for Housing Providers in spring 2010.

The Tenant Involvement and Empowerment standard sets out a requirement for social housing landlords to offer all tenants opportunities to be involved in the management of their housing. This must include opportunities to:

- Influence housing related policies and how housing related services are delivered.
- Be involved in scrutinising performance in delivering housing related services

Housing providers must offer tenants support so that they are more able to be effectively engaged, involved and empowered.

(d) Equalities Impact Assessment (EIA)

A “preferred composition” for SCS membership was agreed that, as far as possible, aims for a membership of SCS which will reflect the existing tenant profile/composition.

Training and (independent) support will be available for Panel Members.

6 **Supporting Information**

(From appendix A, section 9.15):

The Localism Act 2011 and the new regulatory standard for Resident Involvement and Empowerment both anticipate an enhanced role for tenants in relation to scrutiny. These regulatory and statutory changes has provided new challenges for the Council, as it seeks to have the right mechanisms, support, information and internal drivers in place for effective tenant scrutiny in the Borough.

This enhanced role for tenants requires substantial investment in skills and capacity building, matched with an increased focus on value for money. There is a general consensus that tenant involvement in scrutinising value for money should not just focus on financial efficiencies, but also on service delivery, investment, and quality.

Tenant led Co-Regulation in Slough

- 6.1 Tenant led co-regulation in Slough was developed during 2011. In January of that year a recruitment campaign was launched through the tenant newsletter (then known as Housing Service News) and via the website. Slough Borough Council (SBC) tenants and leaseholders were invited to express an interest and apply for an application pack.
- 6.2 In March 2011 we received completed applications from 18 people. We assessed each individual application and 'marked' in line with the process followed when we employ staff. Rather than shortlist a smaller number for interview we decided to invite all 18 applicants to an interview. We wanted to ensure that everyone was given an equal chance.
- 6.3 Interviews were conducted in April 2011 and this was followed by a collective group exercise where we held a 'meeting' to see how the individuals interacted with each other and how dynamically the group worked.
- 6.4 From this we selected eight initial individuals to go forward and become the Customer Senate. Those who were unsuccessful were encouraged to participate in other ways with us, as we did not want to lose their enthusiasm or indeed interest.
- 6.5 In June 2011 the 'shadow' Customer Senate was created (shadow in the sense that the group was in the development stage). In July the individuals went through the Chartered Institute of Housing (CIH) level three-scrutiny training. Also that month they were asked by the Assistant Director of Housing to have a look at estate services (caretaking) as their first project.
- 6.6 Over the summer of 2011 the group progressed with the estate services review and undertook further training whilst being supported by the Community Participation Team. During the same period one person dropped off the group as they moved away from the area. Eight became seven.
- 6.7 In November 2011 the group had its inaugural meeting and the customer senate was officially launched. A chair and vice-chair were elected. At the same time the group presented their findings on their review of estate services to the Assistant Director of Housing. The Assistant Director then presented the report in its entirety to the Neighbourhoods and Renewal Scrutiny Panel for consideration.

- 6.8 Not long after the group was also awarded their own 'meeting/office' facility at Fox Road in Langley (this was previously a facility that was used by the local Tenants and Residents Association (TRA) for the area but they had been successful in developing a community facility elsewhere on the estate (New Langley Community Association) so the facility at Fox Road was no longer used).
- 6.9 The group was also awarded an annual operational budget of up to £35,000 to cover any day to day running costs associated with the role of tenant scrutiny (see section 5 for further information).
- 6.10 Word of the approach to tenant co-regulation in Slough was getting around the housing sector. So in December 2011 the Customer Senate was invited with the Community Participation Manager to attend a seminar held by the Housing Quality Network (HQN) in central London on tenant scrutiny. The then-chair and vice-chair attended and with the Service Manager ran a workshop on best practice and what had worked well in Slough.
- 6.11 In 2012/13 the group focused on its biggest challenge to date, a review of the responsive repairs service. This proved to be a very significant project for the group. The report and recommendations were presented to the Assistant Director of Housing and Environment at the Customer Senate meeting in July 2013.
- 6.12 With both reviews (estate services and responsive repairs) the Customer Senate visited other landlords across the country, met with staff and tenants/leaseholders from these areas and spoke to them about what worked well and what did not work so well. This was in addition to accessing information from within SBC and talking to frontline staff and managers.
- 6.13 During 2012 the Chair stood down as he was undertaking a professional qualification in housing management so decided to focus on that. The vice-chair then stood in and took the group to their AGM in November 2012 where she was elected as chair and a new vice-chair was elected.
- 6.14 Vivianne Royal is the current chair of the group and Veronica Puglia is the group's vice-chair. In addition Morris Sless, Sue Peat, Christopher Hartigan and Vijay Gupta make up the six current members of the group.
- 6.15 Also during 2012 the group acted as the 'stage 3' complaints panel for housing service. When a stage 3 complaint was heard three members of the group came together to form the panel. The panel was (and still is) chaired by the vice-chair of the Customer Senate, Veronica Puglia. The group have heard about four stage 3 complaints since being developed.
- 6.16 To increase and maintain momentum a decision was taken in December 2012 to employ a housing specialist to work directly with the Customer Senate to build their capacity and help the group finalise their terms of reference, constitution and code of conduct, at the same time as providing the group with one on one training (on housing, governance, co-regulation, etc). The housing specialist (Huntcliff) continues to work with the group at this current time. Costs for this have been met from the existing involvement budget within Housing Services.

- 6.17 In March 2013 the Customer Senate held their first mini conference at The Centre in partnership with Housing Services. The event was to launch the Housing Service's service plan and to draw together the local offers for 2013/14 and report back on the offers from 2012/13. In addition the event was also a catalyst to encourage greater participation and involvement in the Area Panels. Around 70 tenants and leaseholders attended the event, which was very successful.
- 6.18 With the new requirements of the Housing Ombudsman in relation to complaints, designated persons and potentially a tenants panel, the Customer Senate have just embarked on a review of the complaints service within housing and it is envisaged that this will be completed by early 2014.
- 6.19 The group have regular features in Streets Ahead (Housing Service newsletter) and are featured on the SBC website. The group are in the process of developing their own website and this should be live in the coming months. This will also include the development of a new logo, which will be associated with the group.
- 6.20 There is currently an on-going recruitment drive to attract new members, a campaign has been developed and launched to bring new people on board. The group will also be developing a communication strategy to raise further awareness across the borough about the role of the group, their achievements and how by being involved others can make a real difference.
- 6.21 A road show is one of the options being discussed/considered and the members of the Senate are very pro-active in attending other community group events/meetings to inform and engage with as many people as possible.
- 6.22 The group have also actively been supporting the newly developed Area Panels for the three housing management patches. The Area Panels will identify service areas where they can work with SCS to undertake mini service reviews.
- 6.23 Training will be offered to Area Panel members such as mystery shopping, undertaking surveys, and how to conduct interviews with front line staff and managers about how services are delivered, what works well, what could be improved, etc.
- 6.24 The biggest challenge of all that the Customer Senate currently faces is attracting new tenants and leaseholders to join them. The role requires a very high level of commitment and dedication. Vivianne Royal is a shining example of this and is our foremost tenant activist within Slough. Other members of the group bring different qualities and skills that compliment each other and make co-regulation in Slough work and work well.
- 6.25 With the present and forthcoming recruitment drives the SCS aim is to enrol up to an additional six to nine new members to bring the panel up to between 12 and 15 representatives. The points covered in sections 6.20 to 6.23 will ensure that more tenants and leaseholders are aware of the SCS which will in turn attract more representatives to get actively involved on the group.
- 6.26 In addition, the SCS has three non-voting 'tenant' places on the Neighbourhood and Community Services Scrutiny Panel which are allocated by the Customer Senate. At present there is one place for a representative of the Customer Senate itself with the other two places allocated to a representative from the Leasehold Forums and

one from the general tenant activist population. Nominations for all three positions are put forward by the Customer Senate as required each year.

- 6.27 The Customer Senate and Area Panels clearly demonstrate how Slough is meeting the regulatory requirements in relation to co-regulation and tenant scrutiny in Slough. Other housing providers across the country are still struggling with this, some are even failing. Housing Services and the Customer Senate themselves still get enquiries from other local authorities and registered providers for information about what has been, and continues to be, achieved in the borough through tenant scrutiny and co-regulation.
- 6.28 The Customer Senate has undertaken two major service reviews in relation to two of the most important services to tenants, estate services (caretaking) and responsive repairs. The SCS review on the caretaking service is being covered under a different report this evening, in it you will see the impact that the review has made and the improvements that it has and will bring to the service overall. Two of the recommendations from the responsive repairs review are also being taken forward at this moment in time.
- 6.29 The Customer Senate also has a regulatory role themselves and oversees the regulation of recognised tenants and residents associations who receive annual funding from the council. They will ensure that any group who adopts the council's model constitution and funding agreement adhere to the requirements outlined within each document.
- 6.30 In terms of the operational budget allocation of up to £35,000 per year, the Customer Senate has been extremely prudent with this. During 2012 only expenses were claimed. This is also true of 2013 to date, but in addition some new furniture and equipment has been purchased for the meeting room in Fox Road. So the impact on the budget has been minimal.
- 6.31 Representatives of the Customer Senate are all volunteers. They receive no payment for their time and effort, only expenses are reimbursed. They have received specific training and have attended joint training with housing staff both internally within the organisation and externally in terms of attending seminars about key service areas/legislation, etc.
- 6.32 The Chair of SCS, Vivianne Royal has also recently been elected to the Association of Retained Council Housing (ARCH) Tenant Panel for 2013 as a representative for the South East. This is a key achievement and something that puts Slough on the national map again in recognition of active tenant involvement.

7 Conclusion

- 7.1 The principles of co-regulation and tenant scrutiny are here to stay. In response, Slough Borough Council has responded positively to these important regulatory and statutory changes and developed an approach to service delivery which formally incorporates tenants' views and which is transparently accountable to tenants.
- 7.2 Tenant scrutiny aims to give tenants more power in holding their landlords to account for their decisions, performance and conduct. It is based on the specific principle that the priorities and views of tenants should be at the heart of a housing organisation's framework for directing, monitoring, assessing and modifying its own

activities.

- 7.3 Where it works well, the benefits of tenant scrutiny include service improvements, efficiency savings, enhanced tenant satisfaction and staff confidence, tenant input into self-assessments; and a high level of challenge as to how landlords operate. Tenant scrutiny is intrinsically linked to the delivery of value for money services that meet local needs with transparency about how investment is made.
- 7.4 SCS makes good business sense for the Council because it ensures we are working towards the benefits outlined in 8.3 above. However, it is clear that a great deal of work is still needed to overcome local barriers to involvement across the Borough and to develop new opportunities that will, hopefully, be acceptable to all.
- 7.5 The new regulatory framework for tenant empowerment has been set, and tenants will need to be actively involved in setting priorities and evaluating performance for Housing Services, both for the council and across the borough as a whole.
- 7.6 This will involve a shift from effective resident consultation to effective resident empowerment. In some situations, this will represent a significant culture change and will present challenges.
- 7.7 The recently developed Area Panels are a good example of this change and will have a positive impact on working together with SCS to strengthen co-regulation across the borough.
- 7.8 The benefits to the council of having SCS as an informed, involved and empowered voice within the borough means a strengthening of the crucial link between service provider and service recipient; increased accountability, and an improvement in the quality of housing services for all tenants and leaseholders.

8 **Appendices Attached**

A - Key legislation in relation to Tenant Participation/Involvement

B - National Guidance On Co-Regulation

9 **Background Papers**

None

TENANT LED CO-REGULATION IN SLOUGH – SLOUGH CUSTOMER SENATE (SCS)

Report: Appendix A

9.0 KEY LEGISLATION IN RELATION TO TENANT PARTICIPATION / INVOLVEMENT

- 9.1 A 'legal' right for council tenants to be 'consulted' on issues affecting the management of their homes was first introduced in the 1980 Housing Act and subsequent Tenants' Charter. Following on from this, several laws and codes of practice affecting tenant consultation and participation were introduced, details of which are outlined below.
- 9.2 Housing Act (1985) – Required councils and housing associations in England and Wales to inform and consult secure tenants (individually rather than collectively) on specific matters relating to the management of their homes. In particular, Section 104 of the Act required landlords give all tenants a written explanation of their conditions of tenancy, statutory rights, the landlord's repairing obligations and the arrangements for consultation. Section 105 of the Act placed a duty on councils to consult tenants on any changes in housing management and / or a change in the practice or policy of the authority, and are likely substantially to affect either its secure tenants as a whole or in a group. Section 27 strengthened existing procedures for the establishment of tenant management co-operatives.
- 9.3 Inquiry into Housing - chaired by HRH Duke of Edinburgh (1985) - Recommended that tenants' associations be recognised and supported and that a Tenant Participation Advisory Service for England be set up, to do similar work to the one set up in Scotland in 1981.
- 9.4 Housing & Planning Act (1986) – Amended parts of the Housing Act 1985, allowing councils to delegate housing management to other organisations. Section 16 of the Act gave the then Department of the Environment powers to provide grants to encourage tenant participation.
- 9.5 Housing Act and Tenants' Choice (1988) - Gave local authority tenants a right to choose an alternative landlord (Tenants' Choice) and set out procedures for a ballot of tenants affected by any transfer proposals.
- 9.6 Local Government & Housing Act (1989) - Introduced Performance Expectations (housing associations) and Performance Indicators (councils) which required landlords to demonstrate their accountability to tenants, as well as the Department of the Environment and the Housing Corporation.
- 9.7 Leasehold Reform, Housing and Urban Development Act (1993) - Introduced the Right to Manage, giving council tenants a 'legal' right to set up tenant management organisations and take over the management of some or all housing management functions. Introduced Compulsory Competitive Tendering (CCT) for housing management functions, with a requirement for councils to inform and consult tenants on CCT matters and provide information on CCT contracts.
- 9.8 Housing Act (1996) - Abolished Tenants' Choice.

- 9.9 Best Value (1997) – Introduced as a concept by government in 1997, this became a statutory requirement in the Local Government Act 1999, replacing Compulsory Competitive Tendering. Best Value requires local authorities and housing associations to review their service delivery, compare their performance with others and demonstrate that they have embraced the principles of fair competition in deciding who should deliver services. Consulting tenants is seen as essential to the Best Value process and there is a requirement that the views and expectations of local service users and residents are reflected in the outcome of service reviews. The Housing Inspectorate carries out regular inspections to ensure that landlords are meeting government requirements on Best Value.
- 9.10 Decent Homes Standard (2003) – A target for social housing providers to meet set standards of fitness and design for their homes by 2010. Office of the Deputy Prime Minister guidance required councils to carry out a stock option appraisal, appointing an independent tenants’ advisor to involve tenants in the process.
- 9.11 Housing Key Lines of Enquiry – KLOEs (2004)
- 9.12 National Framework for Tenant Participation Compacts (2005)
- 9.13 The foundations for a regulatory system that formally incorporates tenants’ views and concerns were set out in the Housing and Regeneration Act 2008. The Act applied equally to local authorities and housing associations. The Act gave the then Tenant Services Authority (TSA) statutory objectives to empower tenants and to ensure they had the opportunity to shape services and standards.

A regulatory system was created which worked on a ‘co-regulatory’ basis where landlords, the regulator, and the tenants would work together to set, monitor, and enforce standards. Co-regulation aimed to move the focus of decision-making and performance management for housing services away from the regulator, and a one-size-fits-all approach, towards one focused on service users and locally defined needs and priorities. This is the essence of Localism.

- 9.14 The new regulatory standards, introduced in *April 2012, retained the principle of co-regulation but stressed the following key elements as well:
- Responsibility for service delivery lies with the landlord, not the regulatory system nor the regulator.
 - Landlords are accountable to their tenants (not to the regulator) for customer facing, service delivery standards.
 - To hold their landlords to account and to shape service delivery, tenants need adequate information and effective influencing structures.
 - Landlords should make honest and robust self-assessments of their own performance: this can include drawing on external validation (e.g. peer review or benchmarking)
 - While the regulator has a role in setting clear outcome focused standards, these should be enhanced by more specific local offers agreed between landlords and their tenants.
 - There should be a clearer role for tenants in scrutinising performance.

**From April 2012 the regulation of social housing passed to the Homes and Communities Agency (HCA) Regulation Committee.*

9.15 The Localism Act 2011 and the new regulatory standard for Resident Involvement and Empowerment both anticipate an enhanced role for tenants in relation to scrutiny. These regulatory and statutory changes has provided new challenges for the Council, as it seeks to have the right mechanisms, support, information and internal drivers in place for effective tenant scrutiny in the Borough.

This enhanced role for tenants requires substantial investment in skills and capacity building, matched with an increased focus on value for money. There is a general consensus that tenant involvement in scrutinising value for money should not just focus on financial efficiencies, but also on service delivery, investment, and quality.

THE BENEFITS OF TENANT PARTICIPATION

The experiences of tenants and landlords who have developed tenant participation have shown that it benefits the housing service in many ways, including:

- Improvements in the way housing services are managed and delivered.
- Greater tenant satisfaction, because tenants will have been able to have a say in the service they receive.
- Improving housing management, because staff and councillors will be better informed.
- Giving tenants more choice or more power over their own homes and the environment in which they live.
- Helping councillors to do their job of representing others by opening up additional ways of communicating.
- Empowering community to take on issues beyond housing and involve different groups of people.

TENANT LED CO-REGULATION IN SLOUGH – SLOUGH CUSTOMER SENATE (SCS)

Report: Appendix B

9.0 NATIONAL GUIDANCE ON CO-REGULATION

- 9.1 The foundations for a regulatory system, for both housing associations and local authorities that formally incorporated tenants' views and concerns were set in the Housing and Regeneration Act 2008. Part of the context for the development of Tenant-Led Scrutiny in Slough is the new system for the regulation of social housing introduced in 2010 and since revised to take effect from April 2012.
- 9.2 From that date the regulation of social housing passed to the Homes and Communities Agency (HCA) Regulation Committee. The new regulations require all registered social housing providers to meet relevant standards. Slough Borough Council, like other local authority landlords, will need to meet the consumer standards, which have been set in the following areas:
- Tenant involvement and empowerment
 - Home
 - Tenancy
 - Neighbourhood and community
- 9.3 The new approach to regulation is built around 'co-regulation'. For local authorities this means robust self-regulation by councillors, whilst enabling tenants to assess the performance of their housing provider.¹
- 9.4 The regulator, HCA, may then intervene in cases where a breach, or potential breach of a consumer standard poses a risk of 'serious detriment' to tenants.
- 9.5 A cornerstone of co-regulation is that:
- Tenants should have the ability to scrutinise their provider's performance, identify areas for improvement and influence future delivery.
 - Providers will also need to continue to support tenants in developing their skills and capacity so that engagement and scrutiny are effective.
- 9.6 In order to meet the standard for involvement and empowerment, providers are expected to support:
- The formation and activities of tenant panels or equivalent groups and respond in a constructive and timely manner to them.

What is a Tenant Scrutiny Panel?

- 9.7 According to the Chartered Institute of Housing, this is:
A group of tenants with the power to review information about their landlord's performance and make recommendations for improvement.