

SLOUGH BOROUGH COUNCIL

REPORT TO: Neighbourhood and Community Services Scrutiny
DATE: 3 September 2015

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PART I

FOR INFORMATION

THE REGULATORY FRAMEWORK FOR SOCIAL HOUSING IN ENGLAND

1. Purpose of Report

1.1 This report has been prepared in response to a request from members to explain the role and remit of the Homes & Communities Agency (HCA) in regulating social housing in England.

2. Recommendation(s)/Proposed Action

2.1 The Committee is requested to note the report.

3. Five Year Plan Outcomes

The Regulatory Framework for Social Housing in England ('the Regulatory Framework') applies to all social housing providers, including the Neighbourhood Services' landlord function. Achieving the standards set out in the framework will contribute to the following Five Year Plan outcomes:

- There will more homes in the borough, with quality improving across all tenures to support our ambition for Slough
- The Council's income and the value of its assets will be maximised

4. Other Implications

(a) Financial

There are no financial implications in relation to this report.

(b) Risk Management

Failure to achieve the standards set out in the Regulatory Framework may result in intervention by the Regulatory Committee of the Homes & Communities Agency which may incur penalties and risk damaging the council's reputation.

(c) Human Rights Act and Other Legal Implications

There are no implications in relation to the Human Rights Act.

(d) Equalities Impact Assessment

Access and customer care is one of the cross-cutting themes that underpin the delivery of the Regulatory Framework and further emphasised in the Tenant Involvement and Empowerment standard which requires providers to:

- provide choices, information and communication that is appropriate to the diverse needs of their tenants in the delivery of all standards
- treat all tenants with fairness and respect
- demonstrate that they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs

5. Supporting Information

Introduction

- 5.1 In 2007 Professors Cave and Hills published their report on the future role of social housing and residents' involvement in their landlord's activities.^{1 2} The reports became the catalyst for significant changes in the way that social housing is regulated, increasing the emphasis on the need to engage, involve and consult with tenants.
- 5.2 The reports led to the creation of the Tenant Services Authority (the TSA) in 2008, replacing The Housing Corporation as the sector's regulator. The TSA promptly toured the country to consult tenants on their views of regulation, via a high profile 'Big Conversation' consultation roadshow. Feedback from the Big Conversation was used to develop the TSA's Regulatory Framework for Social Housing which was first published in 2008.
- 5.3 Following a turbulent few years, the TSA was abolished in 2012 and its regulatory function transferred to the Regulatory Committee of the HCA. The Audit Commission and its inspection regime were abolished shortly afterwards and the Regulatory Framework was updated. The new Regulatory Framework for Social Housing in England was published in April 2012.

The Regulatory Framework for Social Housing in England

- 5.4 The revised framework has recently been updated to reflect the increasing diversity in the sector, however the changes relate to the activities of housing associations and not local authority providers.
- 5.5 The framework implements the amendments to the Housing & Regeneration Act 2008 that were introduced by the Localism Act 2011.

¹ 'Ends and Means: The future roles of social housing, Professor John Hills, February 2007

² 'Every Tenant Matters', Professor Martin Cave, October 2007

The framework sets out the consumer standards that local authority landlords must meet. Consumer regulation is described as a “reactive, backstop form of regulation” and is applicable to all social housing providers.

- 5.6 Delivery of the framework is underpinned by the principles of co-regulation and resident led scrutiny, requiring social housing providers to be transparent and accountable for the delivery of their social housing objectives and in meeting the standards set out in the Regulatory Framework. The framework requires social housing landlords to support tenants to both shape and scrutinise service delivery and to hold elected councillors to account. In cases where there is a breach, or potential breach, of a consumer standard which leads to a ‘risk of serious detriment’ the regulator may intervene.
- 5.7 The framework describes the principles of co-regulation as being:
- providers must meet the regulatory standards
 - transparency and accountability are central to co-regulation
 - tenants should have opportunities to shape service delivery and to hold the responsible councillors to account
 - providers should demonstrate that they understand the particular needs of their tenants
 - value for money goes to the heart of how providers ensure current and future delivery of their objectives
- 5.8 The four Consumer Standards that apply to Slough Borough Council’s Neighbourhood Services landlord function are:
- Tenant Involvement and Empowerment Standard
 - Home Standard
 - Neighbourhood & Community Standard
 - Tenancy Standard

Co-Regulation and Resident Led Scrutiny in Slough

- 5.9 Following an independent, fit-for-purpose review, the Slough Customer Senate unanimously voted to accept the recommendation to start again with a ‘blank sheet of paper’.
- 5.10 In order to review and develop a fresh approach to involving and engaging residents, a Transition Board was created. The Transition Board set a target of 6 months in which to complete this work, during which they considered lessons learned from the Senate’s experience and:
- the regulatory requirements that must be met
 - resident feedback on involvement opportunities from the 2014 resident satisfaction survey
 - examples of best practice, including the Key Lines of Enquiry used by the Audit Commission as part of their inspection regime
- 5.11 The Transition Board also agreed the principles that must underpin all involvement opportunities in Slough, before developing a fresh approach to co-regulation and resident led scrutiny.

- 5.12 The Transition Board also tested new ways of working and building trust and an effective working relationship between officers and residents. Following positive feedback from residents and officers at the end of the pilot, the approach has now been formally adopted. This includes:
- Officers being formal members of resident groups, with full voting rights. However, no group will be deemed to be quorate where officers outnumber residents. Officers may be invited to present information, however they will not be formal members of the group.
 - The Information & Participation Manager chairs all groups, however has no voting rights. In the event of a tied vote, the resident Vice Chair of the group has the deciding vote.
 - Reference to the relevant parts of the Regulatory Framework must be made in all reports to the groups.
- 5.12 The new approach breaks Neighbourhood Services down into service areas that fit within each of the Consumer Standards, as follows:
- Neighbourhood & Communities Panel (Neighbourhood & Communities Standard)
 - Repairs & Maintenance Panel (the Home Standard)
 - Complaints & Information Panel (Tenant Involvement and Empowerment Standard and the Tenancy Standard)
- 5.13 The Service Area Panels are able to commission scrutiny activity to support their work from the Service Improvement Team which any resident can join. Opportunities to get involved in scrutiny activities such as mystery shopping, peer reviews and audits, are offered to Service Improvement Team members who are able to dip in and out of activities depending on how much time they are able to commit.
- 5.14 The new Resident Involvement Framework was approved by residents and officers in March 2015 and was implemented on 1 April 2015. Delivery of the framework will be monitored by the Neighbourhood Services' Resident Board ('the Resident Board') who will oversee and test the effectiveness of the approach.

6. **Conclusion**

- 6.1 Residents have agreed that a 'slow but steady' approach will be taken to the implementation of the Resident Involvement Framework. The first meeting of the Resident Board is scheduled for 5 August 2015.
- 6.2 Positive feedback has already been received from the new Neighbourhood Manager who made the following comments after her first meeting of the Neighbourhoods & Communities Panel:
- "...how impressed I was with the residents I met at the panel meeting on 22 July. I've worked in about 8 local authorities in London and the south east and I've never worked with such a professional and considerate group of residents.

I appreciate that not everyone was present, but I really enjoyed and valued the input from the 5 I met.

I hope I can build a good working relationship with the group built on trust and respect on both sides and I look forward to the next meeting.”

- 6.3 We will continue to support residents to raise their profile and promote the improvements and outcomes achieved as a result of their involvement.

9. **Background Papers**

None.