

# Housing Regulator Update



<b>Report to:</b>	Cabinet
<b>Date:</b>	10 December 2024
<b>Portfolio Holder:</b>	Councillor David Carter, Deputy Leader and Portfolio Holder for Housing
<b>Lead Officer:</b>	Cara Stevens, Assistant Director for Housing Operations (01279) 446490
<b>Contributing Officer:</b>	Wendy Makepeace
<b>Key Decision:</b>	No
<b>Forward Plan:</b>	Forward Plan number I017627
<b>Call In:</b>	This item is not subject to call in procedures because it is for noting only
<b>Corporate Missions:</b>	Transform Harlow's Housing Deliver high-performing council services
<b>Wards Affected:</b>	None specifically

## **Executive Summary:**

**A** In September, the Regulator for Social Housing graded Harlow Council C3 against the new Consumer Standards. This report provides a further update on the progress the council is making in respect of the actions agreed with the Regulator for Social Housing.

## **Recommended that:**

**A** Cabinet notes the progress being made against the actions agreed with the Regulator for Social Housing to manage our ongoing social housing compliance.

## **Reason for decision:**

**A** Achieving compliance with the Consumer Standard, is a statutory requirement for local authority housing providers. Meeting the requirements of the Consumer Standard will

help the council deliver its corporate priorities to (1) Transform Harlow’s housing and (2) Deliver of high-performing services as well as ensuring it is a good landlord for tenants.

## Other Options

- A No other options are appropriate. The Cabinet must remain fully informed about and in control of the council’s compliance with social housing regulation and the progress the council is making against the actions agreed with the Regulator for Social Housing.

## Background

1. In response to the tragic Grenfell Tower fire in 2017, the Government committed to making significant changes to the regulation of social housing to strengthen the accountability of landlords for providing safe homes, quality services and treating tenants with due respect. This resulted in the Social Housing Regulation Act 2023.
2. Following the abolition of the Audit Commission in 2015, councils have been responsible for self-managing housing performance, albeit with some external reporting, largely financial, to MHCLG, Oflog and the National Audit Office. However, the Social Housing Regulation Act 2023 meant that from 1 April 2024 local authority housing providers (LAHPs) are now regulated by the Regulator for Social Housing.
3. Unlike Housing Associations, LAHPs are only formally measured against the Consumer Standard as detailed to Cabinet in October. There is no formal measurement of LAHPs against the other two standards, Governance and Viability standard; however, perceived deficiencies in these areas will have an impact on our compliance with the Consumer Standard.
4. Earlier this year, the council was required to make its first return to the Social Housing Regulator against the TSMs for the 2023/24 financial year. At the time of the submission, the council had not completed fire risk assessments (FRAs) on all required dwellings (only those with shared access) and had a high volume of outstanding actions from the fire risk assessments it had carried out. Whilst it was noted that all 11 high rise buildings and all 17 sheltered schemes had a current FRA in place, the outstanding FRAs and associated actions represented a failure to achieve the outcomes required of the Safety and Quality aspect of the Consumer Standard.
5. Therefore, in September 2024, the Regulator for Social Housing determined that Harlow had “serious failings” and “a requirement to make significant improvements”. The grading was principally based on poor performance on fire risk assessments carried out and the associated actions identified from completed FRAs. As a result, the Regulator for Social Housing determined a C3 grading for Harlow in line with the following four grades:

C1	Delivering resilient consumer standards outcomes
C2	Some weaknesses in how provider is delivering against consumer standards

C3	Serious weakness in delivering against consumer standards – improvement needed
C4	Very serious failings - must make fundamental changes to improve outcomes

6. Following the grading, the council has worked closely and constructively with the Regulator for Social Housing to agree detailed actions for this financial year to ensure that the issues are rectified. This has resulted in the council commencing comprehensive work streams including but not limited to:
- a) Completing all required FRAs, including assessments required to low-rise, low risk buildings (c.580) by 31 March 2025.
  - b) Progressing and prioritising completion of pending and outstanding actions that have been derived from assessments, including a future plan to deliver any new actions from FRAs.
  - c) Instructing an independent Technical Review of [Building] Compliance on six areas of tenant safety.
7. This report details the progress that is being made against the work streams underway.

### **Progress update**

8. The council continues to engage proactively with the Regulator, who remain supportive of the approach adopted by the council to ensure the Safety and Quality component of the Consumer Standards are met. Regular meetings continue to take place and the next meeting with the Regulator is set for 8 January 2025.
9. Operational procedures have been reviewed and are in place to ensure that effective resources are available to deliver on the requirements of the TSM Consumer standards. A specialist team has been established and meets weekly to review both performance against the target for completion of the FRAs and the associated actions.
10. To ensure completion of all required FRAs by the 31 March 2025 the Council has two external specialists working on the project. Both have provided a programmed timetable which evidences completion of the task by the due date. Weekly performance reports are provided and monitored against the target. These work streams are on track slightly ahead of target with the latest position as of 2 December 2024 detailed below:

Total number of valid FRAs required	675
Total number of valid FRAs completed as of 2 December 2024	355
% of valid FRAs completed as of 2 December 2024	53%

Status	On track for 100% ahead of target
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11. A review of all operational processes and procedures associated with the data collection and performance monitoring of FRA actions is underway to ensure they are robust and support timely delivery. This includes identifying required training and development for staff.
12. The council and its external specialists now use Risk Base which is a performance management system for FRAs. The system is live and gives officers access to real time performance data for surveying and the associated tasks/actions as they are identified, ensuring there are no delays from point of identification through to the allocation and completion of tasks.
13. The council has been working closely with Risk Base to improve and develop performance reporting and to streamline and simplify the action categories. A data cleanse exercise is currently being undertaken to ensure there are no duplications and to remove all non-fire safety related actions.
14. Moving forward, actions will be allocated into one of the four newly created work streams, as set out below, and will be prioritised as either High, Medium or Low as agree with the Regulator. All four work streams have named lead officers responsible for the performance monitoring and management of their specified area. This has brought clarity and focus to these important requirements enabling far more timely decisions and actions. The newly created work streams are:
  - Compliance
  - Housing Management
  - Responsive repairs
  - Programmed major works
15. The creation of these work streams with prioritised actions will improve performance management of individual tasks/actions. This allows the council to more accurately forecast and plan financially for both capital and revenue budget requirements for works associated with fire safety.
16. The Independent Technical Review of (Building) Compliance, is in progress and is due to be completed by the end of November 2024. Once complete the report will be considered and an action plan established for any areas of improvement that have been identified/recommended.

17. The Independent Technical Review of (Building) Compliance and the FRAs will be used to inform next year's budget requirements.

## **Conclusion**

18. The council takes its responsibilities as a landlord and the Regulator's judgement extremely seriously. The constructive work with the Regulator has ensured clarity on all required work streams in the council to remedy the council's historic shortcomings in respect of the Consumer Standard as well as for the next submission.
19. The Leader of the Council and Portfolio Holder for Housing are updated weekly on progress against the work streams detailed above. All work streams remain on track and Cabinet will continue to be kept informed of progress to ensure that the council fully complies with all elements of the Consumer Standards.

## **Implications**

### **Equalities and Diversity**

None directly related to this report.

### **Climate Change**

None directly related to this report.

### **Finance**

Budget requirements for this financial year have been identified and the required financial resources have been made available for all work streams. The current work streams as detailed within the report will inform the financial requirements for the next financial year.  
Author: Jacqueline Van Mellaerts, Assistant Director – Finance and Section 151 Officer

### **Governance**

This report is for noting only however it is extremely important that the Cabinet, as the council's Executive, have proper oversight and timely information to ensure the council complies with the relevant legislation and regulation.

Author: Julie Galvin, Legal Services Manager and Monitoring Officer

## **Appendices**

None.

## **Background Papers**

None.

## **Glossary of terms/abbreviations used**

FRAs – Fire Risk Assessments

LAHP – Local Authority Housing Provider

RSH - Regulator for Social Housing

TSM – Tenant Satisfaction Measures

Oflog – Office for Local Government

MHCLG – Ministry of Housing, Communities and Local Government