

Regulator for Social Housing - update



Report to:	Cabinet
Date:	27 March 2025
Portfolio Holders:	Councillor Dan Swords, Leader of the Council Councillor David Carter, Deputy Leader and Portfolio Holder for Housing
Lead Officer:	Cara Stevens, Assistant Director - Housing Operations (People) (01279) 446490
Contributing Officer:	Alan Townshend, Executive Director
Key Decision:	No
Forward Plan:	N/A
Call In:	This item is subject to call in procedures
Corporate Missions:	Transform Harlow's Housing Deliver high-performing council services
Wards Affected:	None specifically

Executive Summary:

- A** 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 following the C3 grading, the improvements required and for consideration on making a voluntary undertaking based on the draft improvement plan.

Recommended that:

- A** Cabinet notes the progress being made against the actions agreed with the Regulator for Social Housing to manage and improve our ongoing social housing compliance.
- B** Cabinet endorses the draft Improvement Plan for all compliance areas as set out in Appendix A and notes the ongoing work with the Regulator for Social Housing to finalise the Improvement Plan.
- C** Cabinet notes that progress against the draft Improvement Plan will be reported to each future meeting of Cabinet.

- D** Cabinet keeps under review the option of making a voluntary undertaking to the Regulator for Social Housing as work on finalising and implementing the improvement plan continues.

Reason for decision:

- A** Achieving compliance with the Consumer Standards, is a statutory requirement for local authority housing providers. Meeting the requirements of the Consumer Standards 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 and next steps.

Background

1. The Leader of the Council and Portfolio Holder for Housing are updated about the progress being made in line with the agreed actions (as set out in previous reports to Cabinet) on a weekly basis. This report is made to each Cabinet meeting to ensure full oversight and control of the council's compliance with social housing regulation.
2. As Cabinet are aware, since the regulatory judgement was issued, the council has been working closely and constructively with the Regulator for Social Housing to review and monitor performance. In addition to the continued monthly monitoring of all compliance areas, the following actions were agreed:
 - a) Completing all required Fire Risk Assessments (FRAs), including assessments required to low-rise, low risk buildings by 31 March 2025.
 - b) Progress and prioritising completion of pending and outstanding actions that have been identified from FRA assessments, including a future plan to deliver any new actions from FRAs, categorised into high, medium and low priority.
 - c) Instructing an independent technical review of building compliance on six areas of tenant safety.

Progress update

3. To ensure completion of all required FRAs by the 31 March 2025, the council continues to work with two external specialists working on the project. The programmed timetable remains on track for completion of 100% FRA's by 31 March 2025, which also includes bringing forward within the programme expiring FRA's, ensuring 100% compliance from the 1 April 2025. As of 28 February 2025, 85.52% of FRAs had been completed. Issues of no access continue to be actively prioritised.

4. Actions identified from the FRAs continue to be allocated into one of the four newly created work streams, as set out below, and are prioritised as either High, Medium or Low, which aligns to the Regulator’s requirements.
- Compliance
 - Housing Management
 - Responsive repairs
 - Programmed major works

5. The total number of actions outstanding as a result of the completed FRAs are as follows:

	High Rise (18M+)	Low Rise (<11M)	Medium Rise (11M+ <18M)	Sheltered	Total
Compliance	45	736	15	35	831
Housing Management	153	2860	39	151	3203
Programmed works	1372	4768	168	646	6954
Responsive repairs	9	29	1	1	40
Grand Total	1579	8393	223	833	11028

6. Weekly scrutiny of all fire safety related activities, actions and prioritisation of works and programme and completion of actions are carried out. Following approval of the 2025/26 capital budget, the council now have a fully developed programme of fire safety works for 2025/26 with a £9 million budget allocation. As a number of the actions identified for completion relate to capital works, the council has a fully developed programme of fire safety works, with a number of sites currently work in progress across the town delivering both minor and major works packages. A further ten sites are in various stages of the procurement process and works are due to commence in the Spring. In addition, six further schemes identified within the 2025/26 programme are now in the final stages of design and procurement.
7. The scope for all flat block refurbishment works now includes all fire safety related work, so in addition to the fire safety budget of £9m, a further £8m has been allocated in 2025/26 for flat block refurbishment works.
8. In addition, a review of the council’s scope of works of responsive repairs is now work in progress with plans to create a separate work channel and set of priorities for the fire safety related work.
9. 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. The council continue to use Risk Base, which is a performance management system to record all actions identified through FRAs that require prioritisation and completion. The system allows 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.

10. To support data management, two Technical Support Officers have been appointed into the Housing Operations Team. Further technical resources have been identified to deliver the additional capital works and therefore an additional Project Manager and Clerk of Works are in the process of being appointed. In addition, recruitment of two additional Housing Officers within the Housing Management Team has commenced who will be dedicated to Fire Safety and will work alongside the generic Housing Officers currently working on fire safety related work.
11. To improve communication and engagement with our residents, a task and finish group has been established and meets on a monthly basis to review engagement channels. The group will be reviewing the statutory requirements of building and fire safety requirements and will produce an engagement strategy ensuring that all residents are empowered to play an effective role in ensuring their building is and continues to be safe.
12. The independent technical review of (building) compliance has now been completed and has been shared with the Regulator. Due to the delays with the completion of the technical review, the council do not feel that this accurately reflects the position at Harlow. However, there is a requirement to draft an improvement plan using the contents of the report for each of the compliance areas. Appendix A provides a draft improvement plan which concentrates on each of the key compliance areas. Following recommendations from the Regulator, the improvement plan has been drafted to concentrate on 7 core findings, which are:
 - Oversight, scrutiny and accountability
 - Data (including hierarchy, validation and reconciliation)
 - Capacity and skills assessment
 - Compliance strategy supported by policy and procedural review and implementation
 - IT systems mobilisation and interface
 - Remedial action definition and management. Including risk mitigation in lieu of action completion
 - Safety information provision to all who require it.
13. The draft improvement plan was shared with the regulator on the 24 March 2025, who will now be reviewing and approval the council's approach. The improvement plan already has 12 completed actions, 44 actions in progress and 16 actions not started. The aim of the improvement plan is to address areas of improvement, to ensure residents are safe in their home.
14. A further independent review is also due to be commissioned which will be carried out in two phases. The first phase will concentrate on a review of all areas of compliance with sample testing, this will also review the council's approach to damp and mould (Awabbs Law) and disrepair. The second phase will concentrate on culture within the organisation, which will include our resident engagement, review of leadership

including technical role and responsibilities, learning and development, strategies and delivery plans. The outcome of this review will be incorporated within the already established improvement plan.

Next steps

15. 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.
16. Due to the concerns raised by the Regulator following their review of the technical compliance review, the council needs to keep under review the option of making a voluntary undertaking to the Regulator as officers work towards a definitive improvement plan.
17. A voluntary undertaking is a means by which a landlord of social housing formally notifies the Regulator of the actions that it commits to take to ensure that it is delivering the outcomes of their standards.
18. In considering whether a voluntary undertaking would be acceptable, the regulator will:
 - Assess whether or not the terms of the voluntary undertaking are satisfactory, giving reasons for the decision
 - Consider the local authority past conduct, such as how it has addressed past issues raised by the regulator
 - Consider the seriousness and urgency of the matter, which the voluntary undertaking seeks to address.
19. Failure to make a voluntary undertaking could result in an enforcement notice being served on the authority if the social housing regulator feel that a standard has been breached or when the interest of tenants require protection. It is recommended that the option for a voluntary undertaking is kept under review at present as work continues to deliver the agreed actions and the actions set out in the draft improvement plan.

Implications

Equalities and Diversity

None directly related to this report.

Climate Change

None directly related to this report.

Finance

The appropriate budget requirements and resources required have been allocated within the HRA of the medium-term financial plan.

Governance

Cabinet received a Housing Regulator Update report at its 24 October 2024 meeting. That report adequately summarised the Housing Regulator's *Consumer Standards* regime, the detail underpinning Harlow's C3 grading and the positive actions against the same.

Harlow is currently operating within the Regulator's "responsive engagement" process which is a co-operative regime to agree and measure progress against its improvement plan. Having a clear process of internal governance to ensure demonstrable pace of progress against the plan will be key to ensuring Harlow progressing successfully through the responsive engagement process to achieving a target rating of C1, being a regulatory judgement that Harlow is delivering the required consumer standards outcomes. The regular reporting to Cabinet that is proposed here is designed to ensure the requisite governance arrangements are in place.

Appendices

Appendix A – Draft Improvement Plan

Background Papers

None.

Glossary of terms/abbreviations used

FRAs – Fire Risk Assessments

TSMs – Tenant Satisfaction Measures

HRA – Housing Revenue Account