

Regulator of Social Housing - Update



Report to:	Cabinet
Date:	10 July 2025
Portfolio Holders:	Councillor Dan Swords, Leader of the Council Councillor David Carter, Deputy Leader and Portfolio Holder for Housing
Lead Officer:	Boe Williams, Director - Housing Operations (Property)
Contributing Officer:	Alan Townshend, Executive Director
Key Decision:	No
Forward Plan:	Yes
Call In:	This item is subject to call in procedure
Corporate Missions:	Invest in our housing
Wards Affected:	All

Executive Summary:

- A** In respect of the council's corporate mission to 'invest in our housing', the Building Harlow's Future Plan states that this year, the council will *"enact, in full, our Consumer Standards Improvement Plan"* in order to *"address past compliance failings and restore confidence in our housing services"*.
- B** In line with that stated outcome, this report provides an update on the progress the council is making in respect of the actions agreed with the Regulator of Social Housing following the Regulatory Judgement and C3 grading and its Consumer Standards Improvement Plan.

Recommended that:

- A** Cabinet notes the progress being made and actions agreed with the Regulator of Social Housing to manage our ongoing social housing compliance responsibilities and the wider elements of the Safety and Quality standard, and to improve our performance in this area.

Reason for decision:

- A** In respect of the council's corporate mission to 'invest in our housing', the Building Harlow's Future Plan states that this year, the council will *"enact, in full, our Consumer Standards Improvement Plan"* in order to *"address past compliance failings and restore confidence in our housing services"*.
- B** 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 mission to 'invest in our housing', as well as ensuring it is a good landlord for its tenants and that it prioritises keeping tenants safe.
- C** A lack of appropriate oversight is cited in the Regulatory Judgement as a contributing factor to insufficient scrutiny of key safety information. Inaccurate information and a failure to take reasonable steps to mitigate risks to tenants are both findings against the council. For this reason, it is important that Cabinet understand the responsibilities of the council in this area and have a clear oversight of actions that are being taken to address past failings.

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 of Social Housing. Tenant safety is an absolute priority for the Council.

Background

1. In respect of the council's corporate mission to 'invest in our housing', the Building Harlow's Future Plan states that this year, the council will *"enact, in full, our Consumer Standards Improvement Plan"* in order to *"address past compliance failings and restore confidence in our housing services"*.
2. The Leader of the Council and Portfolio Holder for Housing continue to be 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.
3. The council continues to work closely and constructively with the Regulator of Social Housing to review and monitor performance. Regular monthly meetings take place between the council and the Regulator. It is at these meetings where all areas of technical compliance are monitored, as is the council's progress against the improvement plan which identifies and tracks the progress the council is making on projects that have a direct outcome of ensuring that tenants are kept safe in their homes.

Compliance in the number of FRAs carried out

- At the end of May 2025 there are no outstanding FRAs, this means that all buildings requiring a Fire Risk Assessment have one in place. Old FRAs will become due every month, and these will be monitored and executed accordingly.

Compliance in number of FRA tasks outstanding

- A total of 972 FRA tasks were completed in May 2025, as compared to 474 the previous month. The total number of actions outstanding has decreased from 13,250 in April to 12,745 at the end of May. The table below shows the numbers of completed and outstanding actions over the past 12 months, split into different building types:

	High Rise		Med Rise		Low Rise		Sheltered		Total	
	C	O/S	C	O/S	C	O/S	C	O/S	C	O/S
Jul-24	17	1,300	71	203	30	2,196	0	766	118	4,465
Aug-24	14	1,460	9	112	215	2,116	142	673	380	4,361
Sep-24	1	1,604	58	208	420	2,494	277	780	756	5,086
Oct-24	0	1,604	1	207	71	3,217	16	958	88	5,986
Nov-24	74	1,530	16	191	220	4,379	37	898	347	6,998
Dec-24	19	1,512	5	186	271	5,530	68	877	363	8,105
Jan-25	6	1,506	4	193	172	6,544	20	858	202	9,101
Feb-25	6	1,579	25	223	537	8,393	25	833	593	11,028
Mar-25	1	1,499	5	241	384	10,419	67	757	457	12,916
Apr-25	45	1,577	9	233	420	10,685	0	755	474	13,250
May-25	14	1,052	13	238	897	10,703	48	752	972	12,745
									4,750	

- Those actions carried out in May have reduced the number of outstanding actions on high rise buildings from 1,577 to 1,052, whilst the number of outstanding actions in other building types have stayed broadly similar to their levels the previous month.
- The breakdown of the outstanding tasks into overdue and not yet due actions by building type and workstream is illustrated in the table below:

	High Rise (18M+)		Low Rise (<11M)		Medium Rise (11M+ <18M)		Sheltered		Total	
	Over due	Not overdue yet	Over due	Not overdue yet	Over due	Not overdue yet	Over due	Not overdue yet	Over due	Not overdue yet
Compliance	25	19	134	735	4	11	27	6	190	771
Housing Management	117	23	1,937	1,962	25	12	87	3	2,166	2,000
Programmed works	825	41	2,266	3,605	140	46	182	447	3,413	4,139
Responsive repairs	1	1	9	55	0	0	0	0	10	56
Grand Total	968	84	4,346	6,357	169	69	296	456	5,779	6,966
									12,745	

8. The most significant number of overdue actions is in low rise blocks. Any overdue actions are unacceptable and constitute a risk to tenant safety. The level of risk and the age of the overdue actions are illustrated in the following table:

	High Risk	Low Risk	Medium Risk	Total
High Rise (18M+)	479	201	372	1,052
Less than 3 Months overdue	110	1	2	113
3-6 Months Overdue	128	30	121	279
6-12 Months overdue	224	10	192	426
More than 12 months Overdue	5	6	6	17
Not Yet Due	12	154	51	217
Low Rise (<11M)	2,080	2,435	6,188	10,703
Less than 3 Months overdue	368	334	1,560	2,262
3-6 Months Overdue	325	242	720	1,287
6-12 Months overdue	215	23	213	451
More than 12 months Overdue	85	60	156	301
Not Yet Due	1,087	1,776	3,539	6,402
Medium Rise (11M+ <18M)	70	62	106	238
Less than 3 Months overdue	46	3	10	59
3-6 Months Overdue	0	0	29	29
6-12 Months overdue	5	0	13	18
More than 12 months Overdue	2	2	7	11
Not Yet Due	17	57	47	121
Sheltered	582	117	53	752
Less than 3 Months overdue	20	10	17	47
3-6 Months Overdue	59	16	19	94
6-12 Months overdue	52	7	7	66
More than 12 months Overdue	12	73	1	86
Not Yet Due	439	11	9	459
Total	3,211	2,815	6,719	12,745

9. Of the high-risk actions, the highest proportion of overdue actions are in the low-rise blocks, of which 993 are overdue. There are 467 overdue high-risk actions in the high-rise blocks, 53 in the medium rise blocks and 143 in the sheltered blocks.
10. There are 104 high risk actions that have been overdue for more than twelve months. Over a third of these relate to fire doors. The doors in question are present, but the actions relate to adjusting the doors, confirming their specification, changing a door closer or repairing a letterbox, rather than the need to replace the door itself. Many of the other actions in this category relate to further investigation or confirmation, for example not having access to flats to confirm the presence of smoke or fire detection, plus enhancements or improvements to existing passive and active fire safety measures, rather than fundamental life safety failures. A smaller section of actions in this category relate to refreshing communication (new duties) and signage, which is missing in some areas.
11. These actions are overdue and should be carried out as soon as possible. Factors which act as mitigation in the intervening period and which help keep tenants safe, include compartmentation, which is generally robust. In addition, there are key life safety systems such as emergency lighting, smoke ventilation and means of escape that are broadly in place and functioning. This means that where defects exist, they are largely isolated or non-critical.

Mitigating risk to tenant safety

12. It is imperative that the council can evidence that it is mitigating the risk to tenant safety in the period between remedial actions being identified and when they are completed. As such, the following mitigation measures have been put in place:
 - a) Over 90% of tenants' homes have heat, smoke and carbon monoxide sensors fitted, including 64% of dwellings which are on the Aico gateway system, which gives instant notification to the council if the sensor or alarm has a problem, or if it has been disabled. All the smoke heads and sensors get serviced every year.
 - b) We have Fire Risk Appraisals for External Walls (FRAEWs) on all buildings over 18m. These have confirmed the way the walls of all our high-rise buildings are constructed is safe.
 - c) Communal areas in blocks are regularly checked by officers and blocks considered higher risk are checked more frequently by caretakers.
 - d) There is a front door replacement programme on going.
 - e) We have five separate contractors who are instructed to carry out ad hoc repairs relating to fire safety tasks and are in the process of procuring two new contracts to carry out low level (non-component replacement) fire risk actions.

- f) We have started our second annual inspection of flat front entrance doors in tower blocks and blocks over 11m high.
- g) We have completed our first quarterly inspection of tower blocks and blocks over 11m high, and our second quarterly inspections have started. These inspections check all communal doors affecting escape routes and all service riser doors, ensuring they are safe. These inspections lead to immediate ad hoc repairs being reported and done straight away, thus mitigating risks to tenant safety whilst awaiting door replacement programmes.
- h) We are working closely with Essex Fire and Rescue Service and have built up good relationships with the team responsible for high rise buildings and the team responsible for low rise blocks.
- i) Our sheltered blocks are all inspected regularly by management and any fire safety repairs are reported and carried out straight away.
- j) Our in house inspection teams are being trained on procedures to reduce risk within the curtilage of the site, not just within the blocks themselves.
- k) All communal alarms are checked at least monthly.

On going management of FRA tasks

- 13. Our software system for tracking FRA tasks, is in the process of being reconfigured and will shortly be able to produce detailed reports showing the forecast closure of FRA tasks over future months. This will then be compared to the actual completion of tasks and included monthly in this report.
- 14. Two new contracts are being procured in the short term to address actions that are non-structural and do not relate to major component replacement. Both of the contractors that are being recommended have a very good track record in this area and it is anticipated that a significant number of actions can be completed this year.
- 15. Whilst the immediate contracts are in operation, we are preparing to procure at least two higher value, longer term contracts, to include all the items in the short-term contracts, plus major component replacement and door inspections and associated remedial works. These contracts will be procured via open competition and will be the subject of a separate procurement report.
- 16. In addition, we are actively procuring contractors to deliver this year's capital programme. Of the £10.5m earmarked for Fire Safety work on tower blocks, £3.2m has been raised in orders and just under £1m has been spent.

17. Cabinet will receive reports showing the allocation of outstanding FRA actions to programmes of work, so that the capital programme can be adapted, if necessary, within the overall budget envelope.
18. There are over four thousand actions assigned to Housing Management, of which just over two thousand are overdue. Two full time Fire Inspection Officers are being recruited to Housing Management and their full-time priority will be to address these actions. In addition, resources are being provided by HTS to help support an intensive effort to work through these actions. The trajectory of completing these actions will be forecast and used to monitor actual progress and reported to Cabinet monthly.

An independent review

19. To provide full assurance across all property compliance activities, an independent review is being carried out of the council's performance in relation to technical compliance, which includes fire safety. Ark consultancy has been appointed to carry out the review. Ark have held three workshops with groups of staff and are due to produce an interim report shortly.
20. Ark is also taking a controlled sample of safety certificates from different compliance areas and reviewing them. This exercise is underway and will feed into the final report, due towards the end of September 2025.

Liaison with the Regulator of Social Housing

21. The monthly meeting with the Regulator took place on 1 July 2025. The Regulator understands that there is a process to go through to clear the backlog of FRA tasks but is very keen to see that the council prioritises tenant safety at all costs and has put measures in place to mitigate the health and safety risks that exist by these actions remaining outstanding. We are working with the Regulator to go through the steps we are already taking to ensure that risks are minimised and those additional steps that we plan to introduce.

Implications

Equalities and Diversity

None directly related to this report.

Climate Change

None directly related to this report.

Finance

The budget for this year's HRA capital programme for major works is £51m, which includes accruals and budgets carried forward from last year. Any additional programmes of work needed this year to reduce outstanding FRA actions would have to come from within this budget envelope.

The new post for the senior Fire and Building Safety resource will be capitalised and will be paid from the budget envelope referred to above.

Provision for Fire Safety work in future years exists within the five-year business plan but will be reviewed in Q3 to ensure its adequacy.

Author: Jacqueline Van Mellaerts, Director – Finance and Section 151 Officer

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.

Author: Daniel Dickinson, Director – Legal and Governance (Interim) and Monitoring Officer

Appendices

Appendix A - Draft Improvement Plan

Background Papers

None.

Glossary of terms/abbreviations used

FRAs – Fire Risk Assessments