

Committee Name and Date of Committee Meeting

Cabinet – 29 July 2024

Report Title

Tenant Satisfaction Measures and Regulatory Compliance

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Ian Spicer, Strategic Director of Adult Care, Housing and Public Health

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The new regulatory framework for social housing commenced on 1st April 2024. This report summarises the work underway to meet the revised consumer standards and prepare for an inspection by the Regulator of Social Housing. It includes the Council's 2023-24 Tenant Satisfaction Measures (TSMs), which were submitted to the Regulator in June 2024.

Recommendations

That Cabinet:

1. Notes the Council's 2023-24 Tenant Satisfaction Measures and Tenant Perception Survey Results (appendices 1 and 2).
2. Notes the work underway to meet the revised consumer standards and prepare for an inspection of the Council's Housing Service.
3. Agrees to receive a further update in six months' time.

List of Appendices Included

- Appendix 1 Rotherham Council Tenant Satisfaction Measures 2023-24
- Appendix 2 Rotherham Council Tenant Perception Survey Results 2023-24
- Appendix 3 Part A – Initial Equality Screening Assessment
- Appendix 4 Carbon Impact Assessment

Background Papers

Reshaping consumer regulation: Our new approach
(<https://www.gov.uk/government/publications/reshaping-consumer-regulation-our-new-approach>)

Consumer Standards (April 2024)
(<https://www.gov.uk/government/collections/regulatory-standards-for-landlords>)

Consumer Standards Code of Practice (April 2024)
(<https://www.gov.uk/government/consultations/consultation-on-the-consumer-standards/annex-4-consumer-standards-code-of-practice>)

Social Housing Regulator's Approach to Inspections
(<https://www.gov.uk/guidance/our-approach-to-inspections>)

Consideration by any other Council Committee, Scrutiny or Advisory Panel
08 March 2018

Council Approval Required

No

Exempt from the Press and Public

No

Tenant Satisfaction Measures and Regulatory Compliance

1. Background

- 1.1 Following the passing of the Social Housing (Regulation) Act in July 2023 the Regulator for Social Housing consulted on revised consumer standards for social housing landlords. The new consumer standards came into force on 1st April 2024.
- 1.2 Alongside complying with the revised standards, stock-retaining local authorities such as the Council must now collect and submit Tenant Satisfaction Measures (TSMs) annually including a Tenant Perception Survey.
- 1.3 The Regulator of Social Housing (the Regulator) will gather evidence and assess providers' ability to deliver a housing service which meets the standards through inspections at least every four years and through desk-top reviews of performance data such as TSMs. This proactive regime replaces the largely reactive regulatory framework that was in place prior to 1st April 2024.
- 1.4 The Council submitted its first year of TSM data covering the 2023-24 financial year in June 2024. The data is summarised in this report and contained in full at Appendix 1.
- 1.5 In addition to new consumer standards, an inspection regime and the TSMs, the Government has also strengthened the role of the Housing Ombudsman and consulted on the introduction of statutory minimum timescales for dealing with certain types of housing repairs (Awaab's Law) and proposed new competence and conduct standards for social housing managers.

2. Key Issues

Tenant Satisfaction Measures

- 2.1 Tenant Satisfaction Measures (TSMs) are a series of 22 performance measures, which must be collected by all social housing landlords with more than 1,000 properties. Data for ten of the performance measures is submitted directly by the Council. Data for the other 12 performance measures is captured through a Tenant Perception Survey. The performance measures, including the survey questions, are prescribed by the Regulator and cannot be deviated from.
- 2.2 KWest Research Limited were procured to complete the Tenant Perception Survey on behalf of the Council in accordance with the Regulator's requirements. Kwest surveyed 1,041 of Rotherham's tenants (equivalent to 5% of tenants which was the minimum prescribed sample size). 85% of the surveys were conducted by telephone and 15% by email. Appendix 2 contains Kwest's Tenant Perception Survey report.

- 2.3 In March 2024, overall satisfaction with the service (TP01) was 77%. The Council last conducted a detailed tenant satisfaction survey in 2017. Overall satisfaction with the service then was 83%. This downward trend is mirrored nationally, with overall satisfaction amongst social housing tenants declining year on year from 72% in 2020/21 to 65% in September 2023 according to data from Housemark, the leading social housing market intelligence company.
- 2.4 As this is the first year TSM data has been collected, there are no official statistics available that the Council could compare its scores to. Instead, Housemark collect available data from around 150 landlords and produce regular reports tracking trends in TSM scores. Compared with these scores, the Council's tenant perception results are above the median for all social landlords included in Housemark's scores in 11 out of 12 measures. While encouraging, these comparisons should be treated with caution given the Housemark data will refer to different time periods, does not include all social landlords, and may not comply with the technical requirements set out by the Regulator.
- 2.5 A key area for tenants is the condition of their homes. 78% of tenants surveyed told us they are satisfied that their home is well maintained, and 81% are satisfied that their home is safe. Tenants living in blocks with communal areas are more likely to be satisfied that their homes are well-maintained than those who do not. Notably, the one result that was below the Housemark median, albeit only by one percentage point, was satisfaction with repairs, suggesting further work is needed in this area. Initial analysis of free text entries suggests a range of issues including dissatisfaction arising from delays in repairs starting, lack of oversight of external contractors, the repair process itself, waiting times and quality of repair work.
- 2.6 The results indicate that tenants generally feel they are kept informed (74%), are treated with fairness and respect (84%), and that the Council listens to them and acts on their views (71%). However, as with other areas, older tenants tend to be more satisfied than younger tenants across these measures.
- 2.7 Satisfaction with complaints handling has emerged as a significant issue across many housing providers and this is also true of the Council, with just 36% of tenants saying they are satisfied with complaints handling processes. Notably, the results suggest that significantly more tenants believe they have made a complaint than have actually done so via the formal complaints process. This suggests tenants' view of what constitutes a complaint is much wider than the scope of the Council's Complaints Policy. This area will be prioritised for improvement activity supported by further engagement with tenants.
- 2.8 Again, in common with other housing providers, satisfaction with the way the Council deals with anti-social behaviour, at 65%, is lower than many of the other scores. Tenants living in blocks with communal areas are more

likely to have reported anti-social behaviour. Responsibility for tackling anti-social behaviour sits with South Yorkshire Police and the Council.

2.9 Officers will work with tenants and stakeholders to interpret the tenant perception survey results and ensure they inform the Council's overall improvement plans for its housing services. The tenant perception survey will now be a rolling programme and results will be published periodically.

2.10 The other ten TSMs cover the Council's performance across anti-social behaviour, complaints handling, repairs and maintenance, and the health and safety of homes. The Council reported 90.81% for the lift safety TSM owing to one out of date lift service as at 31st March 2024. Performance as at April 2024 was 100%. The Council also reported a drop in Decent Homes performance which is explained in the 'Safety and Quality Standard' section of this report.

2.11 It should be noted that some of the TSM measures use definitions that differ from those the Council has used for reporting until now. Unless otherwise stated, the TSM definition will be used in all future reporting.

Consumer Standards

2.12 The regulatory framework requires housing providers to deliver services that meet four consumer standards, each of which encompasses a range of outcomes:

Consumer standard	Outcomes
Safety and Quality	Stock quality Decency Health and safety Repairs, maintenance and planned improvements Adaptations
Transparency, Influence and Accountability	Fairness and respect Diverse needs Engagement with tenants Information about landlord services Performance information Complaints handling Self-referrals to the Regulator
Neighbourhood and Community	Maintenance of shared spaces Local cooperation Safer neighbourhoods Domestic abuse
Tenancy	Allocations and lettings Tenancy sustainment and evictions Tenure Mutual exchange

- 2.13 The Council must also comply with the Rent Standard, which is not a consumer standard but may fall in scope of any inspection or other regulatory activity.
- 2.14 The overarching themes of the consumer regulations are for landlords to 'know their homes' and 'know their tenants'. The Council's overall position on the former is covered in detail in the 'Safety and Quality Standard' section of this report. The latter includes an emphasis on understanding tenant vulnerabilities and building this into service delivery, particularly the delivery of repairs and maintenance. This is a key improvement area for the Council.

Safety and Quality Standard

- 2.15 The Safety and Quality Standard sets out the requirements to maintain good condition, well maintained and safe homes. It emphasises the importance of landlords holding good quality data about properties based on recent stock condition surveys. It also encompasses responsive and planned repairs and maintenance activities and the capital investment programme.
- 2.16 Most of the Council's activities that fall into scope of this Standard are delivered by the Housing Property Service either directly or via contractors, including Mears and Equans who hold the contracts for most of the Council's responsive repairs services. A small number of housing compliance functions are undertaken by the corporate Asset Management service. Adaptations is within the remit of the Housing Options service.
- 2.17 The TSMs demonstrate full compliance in many aspects of the Council's work in this area and positive tenant perception, particularly in respect of the safety and maintenance of homes. The Council is reporting 100% or close to 100% compliance across water, gas and asbestos safety. Building on this strong position, the Council has also identified a number of areas where further improvements are needed.
- 2.18 The Council holds an asset list based on full stock condition surveys and it has a number of mechanisms in place to provide assurance that homes are safe and well-maintained. Due to the age of the Council's stock condition data, strengthening assurance around stock quality and decency is a key priority for the Housing service. A major programme of stock conditions surveys will commence during 2024. This will support the development of a refreshed asset management strategy and investment plan, as well as supporting stronger targeting of compliance and repairs improvement activities. Officers are prioritising surveys of approximately 1,500 properties where more up-to-date information is required.
- 2.19 Improvements in the way that decency is measured and reported have been made following a review of the Council's approach to measurement in light of the new regulatory framework. Of the 2,387 non-decent homes at 31st March 2024, 697 properties failed because an element (e.g., roof, wall, kitchen, bathroom) had been identified as requiring replacement or

refurbishment with the necessary works programmed on a planned works programme for the next three years. Following the review, these are now classified as a 'failure' in terms of the decency calculation. The other 1,690 properties failed because available survey data tells us the property contains element(s) that are old (as defined by national guidance) but not that they are in good condition. It is likely that many of these will be reclassified as decent once surveys are completed.

2.20 To provide assurance on the health and safety outcome, a series of deep dives into housing compliance areas has been undertaken. The work focused on the 'big six' areas: gas, electrical, water, lift, fire and asbestos. Overall performance remains strong, with particular strengths around the management of gas safety and 'no access' processes, however some improvement actions relating to quality assurance of works and contractors, more regular and detailed performance monitoring and additional audit activity are being put in place to strengthen assurance. In addition to the communal lift servicing issue referenced at paragraph 2.9, two further specific issues were identified and have now been addressed:

- **Internal stairlifts and hoists:** due to a contractor error, a large number of internal stairlifts and hoists had not received the required number of servicing visits. The issue has now been rectified and the backlog has been largely resolved, with any outstanding servicing activity due to either tenant access issues or ongoing investigations into whether the equipment is still installed and in use.
- **Tracking fire risk assessment actions:** it was identified that the Council's systems for tracking actions arising from fire risk assessments (FRAs) in its housing assets could be improved. Many actions had been logged and allocated to officers but not followed up and closed down. All actions are now on track.

2.21 In addition, existing and some new posts are being incorporated into a dedicated Housing Compliance and Asset Management Service within Housing Property Services. This will be supported by investment in IT systems to facilitate more efficient processes and better record keeping. Policies and procedures are also being reviewed and updated.

2.22 Under the new regulatory framework, the Council is required to notify the Regulator following any potential breaches of the consumer standards to the Regulator. The Council is in dialogue with the Regulator regarding the new regulatory framework and our data and Cabinet will receive further updates on compliance matters as engagement with the Regulator progresses.

Transparency, Influence and Accountability Standard

2.23 The Transparency, Influence and Accountability Standard requires landlords to be transparent with tenants and treat them with fairness and respect so they can access services, raise concerns when necessary, influence decision making and hold their landlord to account. It includes an

emphasis on ensuring diverse needs of tenants are factored into decision making and service delivery.

- 2.24 Many of the service areas in scope of this Standard – including consultation and engagement, performance and complaints handling – are undertaken by services with the support of corporate functions under the remit of the Assistant Chief Executive’s directorate. The Council also has a small tenant engagement team based within the Housing Service which oversees a contract with Rotherfed, the Council’s tenant federation service. Rotherfed was recently successful in its bid to deliver tenant engagement services for up to 4 years. The new contract service specification includes enhanced performance reporting and new requirements to increase the number and diversity of engaged tenants.
- 2.25 Rotherfed supports a tenant scrutiny function and the Council convenes a Housing Involvement Panel and a ‘Screen Team’ focused on improving tenant communications. As part of the Council’s preparedness for regulation, all of these forums are being reviewed and updated. A Tenants Connectors Pool, a shared database of tenants interested in working with the Council on specific projects, will go live in 2024. This will give tenants who cannot commit to more regular involvement more opportunities to be involved in shaping services.
- 2.26 From 2024/25, a new budget cycle of ward housing funding will commence. The Housing and Neighbourhoods Services will be working collaboratively to bring together various ward-based budgets and, working with Ward Members, Council colleagues, partners and communities, develop a programme of projects to deliver against Ward priorities. Projects will be scoped, planned and delivered over a four-year period. Ward budgets will be administered by the Neighbourhoods Service. This supports the Council in evidencing the continuing work it does in promoting social, environmental and economic wellbeing in the areas where it provides social housing and doing so in a participative way.
- 2.27 There is a strong emphasis in this Standard on the importance of transparency and accessibility of Council policies, procedures and performance information. The Council is in the process of updating key web pages with this information, publishing documents where they are not already available, and increasing the frequency and level of detail with which performance information is made available to tenants.
- 2.28 The Regulator expects landlords to collect and utilise data on the protected characteristics of tenants in order to ensure the diverse needs of tenants are being met. The Housing Service will implement new procedures to collect and process this sort of data appropriately in future.

Neighbourhood and Community Standard

- 2.29 The Neighbourhood and Community Standard requires landlords to engage with other relevant agencies so that tenants can live in safe and well-maintained neighbourhoods and feel safe in their homes. The aspects

of housing management that fall under this Standard include those delivered by the Community Protection Unit, Neighbourhoods, Street Scene, contracted and in-house cleaning and caretaking services, as well as the Housing Estates Service.

- 2.30 The Council has a strong record in working across departments and with partners to deliver this Standard. To further enhance this, officers are revisiting service standards and partnership arrangements to ensure expectations are explicit and monitored.
- 2.31 The Standard requires providers to co-operate with relevant partners to promote social, environmental and economic wellbeing in the areas where they provide social housing. The Council will continue to strengthen locality working arrangements, cooperation and joint problem solving with Council services, partners and other agencies.
- 2.32 The Standard expects providers to work with the police and other relevant organisations to deter and tackle anti-social behaviour and hate incidents in the neighbourhoods where they provide social housing. The Council holds duties as both a landlord and as a local authority. The Council's policy and associated operational procedures are being reviewed in 2024, providing an opportunity to ensure our landlord responsibilities are reflected adequately. A recent internal audit also recommended some areas for improvement around data collection, customer satisfaction and management controls. The service is on track to complete the actions arising from the internal audit report within the agreed timeframe.
- 2.33 To address domestic abuse the Standard requires providers to work co-operatively with other agencies and enable tenants to access appropriate support and advice. To ensure the quality of the service is maintained, staff will undertake refresher training and as part of this will review how service provision can be continually improved.

Tenancy Standard

- 2.34 The Tenancy Standard sets requirements for the fair allocation and letting of homes, as well as requirements for how tenancies are managed by landlords. The Standard is delivered by the Housing Options, Housing Income and Housing Estates Services
- 2.35 The Standard requires providers to allocate and let their homes in a fair and transparent way that takes the needs of tenants and prospective tenants into account. Subject to Cabinet approval, the Allocations Policy will be revised in 2024/25. Work is also underway to strengthen the Council's anti- tenancy fraud activities and ensure the policy for granting fixed term tenancies is operating effectively.
- 2.36 Providers are required to support tenants living in eligible housing to mutually exchange their homes. The Council is seeking to strengthen performance measures and the quality of information and support to tenants who wish to mutually exchange.

- 2.37 This Standard includes expectations for tenancy sustainment activities and evictions. The Council has a well-performing tenancy sustainment service and relatively few evictions for a landlord its size: in 2023-24, 23 tenancies were ended through eviction proceedings, compared with 97 in 2018-19.

Governance

- 2.38 Much of the content of the new consumer standards is already part of the regulatory framework for social housing, or indeed a legal requirement, and for these areas the key difference is the requirement to evidence compliance to a proactive Regulator and to strengthen further the Council's communication with tenants and Elected Members. In other areas, new or strengthened regulatory requirements are being placed on the Council that will require service changes and in some cases investment.
- 2.39 The Regulator's approach will be outcome and assurance based, i.e., it will expect the Council to demonstrate how it provides assurance to Elected Members and tenants on how the Standards are met. Reports will continue to be provided to Cabinet on the tenant satisfaction measures. Governance and assurance mechanisms have recently been strengthened with the creation of a Housing Regulatory Assurance Board, attended by the Cabinet Member for Housing and chaired by the Chief Executive. In order to support enhanced governance and to oversee the improvement activities, existing roles focused on business improvement, governance, digitisation of housing services and change management are being brought together within the Housing Service alongside a small number of additional roles within a dedicated Housing Improvement and Governance Service.

3. Options considered and recommended proposal

- 3.1 No other options were considered as this report is an update on the work being done to meet the consumer regulations introduced following the Social Housing (Regulations) Act in 2023.

4. Consultation on proposal

- 4.1 Consultation on the work set out in this report was not necessary as the Council as a social housing provider is required to meet these standards. The new consumer standards require social housing providers to involve tenants in shaping changes to service delivery and this will be a key focus of the programmed inspections. Providing a range of meaningful opportunities for tenants to influence and scrutinise the landlord's strategies, policies and services is a requirement of the Transparency, Influence and Accountability Standard.

5. Timetable and Accountability for Implementing this Decision

5.1	Consumer Standards live from 1 April 2024	April 2024
	First year of Tenant Satisfaction Measures to be submitted to the Regulator.	June 2024

6. Financial and Procurement Advice and Implications

- 6.1 The activity detailed in this report will be funded via existing staffing resources and budgets. Additional budget has been set in place in 2024/25 to fund the activity required such as Stock Condition Surveys detailed at paragraph 2.17.
- 6.2 Where newly arising budget requirements are identified these will be managed via in-year monitoring and governance arrangements and considered during the next budget setting and business planning process.
- 6.3 All activity where external suppliers are engaged to deliver the activity (such as the Stock Condition Surveys) must be procured in compliance with relevant procurement legislation either the Public Contracts Regulations 2015 or the Procurement Act 2023 (whichever is applicable at the time), as well as the Council's own Financial and Procurement Procedure Rules.

7. Legal Advice and Implications

- 7.1 The Regulator of Social Housing publication; Tenant Satisfaction Measures: Tenant survey requirements, provides the basis upon which providers of social housing are required to conduct tenant perception surveys to generate a subset of Tenant Perception Measures. The Consumer Standards Code of Practice sets out the standards expected of social housing and how those standards should be maintained. The recommendations will help to ensure compliance with the new regulatory framework for social housing, and aid in preparations for an inspection of the Council's Housing Services.
- 7.2 Compliance with the consumer standards is mandatory. As a social landlord the Council has a duty to provide a safe environment for those living in our homes. Failure to comply could result in negative outcomes ranging from customer dis-satisfaction and criticism to a requirement to submit (to the Regulator) a Performance Improvement Plan, or to take particular remedial actions as set out in an enforcement notice. If necessary, the Regulator will be able to authorise an appropriate person to enter a social housing premises to take emergency remedial action, issue penalties such as unlimited fines, or require the provider of social housing to pay compensation. A provider of social housing will commit an offence if they obstruct entry to or work required to undertake remedial action. A

person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

8. Human Resources Advice and Implications

8.1 There are no Human Resources implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no implications for Children and Young People and Vulnerable Adults arising from the report.

10. Equalities and Human Rights Advice and Implications

10.1 The Government's Equality Impact assessment has been considered when reviewing the work being done to make sure we are compliant with the new regulations. As the Government's assessment states, equality considerations were taken into account throughout the development of the new consumer standards. The work being done by the Housing service puts all groups of tenants at the heart of what we do understanding that we need to evidence that services are accessible to and offered in ways that meet the needs of those with protected characteristics.

10.2 The changes to the regulation of social housing are designed to improve services to tenants, the safety and quality of their homes and communal areas and give them access to information about how well their landlord is performing. In addition, it is a requirement of the regulations that tenants are involved in the shaping of changes to service delivery and revision of policies. The regulations are designed to improve equality of access to services for social housing tenants.

10.3 To ensure compliance with the new regulations Housing will be looking to reporting on the makeup of the tenant base in relation to protected characteristics and acting upon any issues identified. This will be part of the six-monthly updates to Cabinet on the social housing reforms.

11. Implications for CO2 Emissions and Climate Change

11.1 There are no implications for CO2 Emissions and Climate Change arising from the report.

12. Implications for Partners

12.1 There is only one regulatory standard which stresses the need to work with partner organisations. Specific expectations under the Neighbourhood and Community Standard, state:

12.2 Local cooperation - Registered providers, having taken account of their strategic objectives, the views of tenants and their presence within the areas where they provide social housing, must:

- a) identify and communicate to tenants the roles registered providers play in promoting social, environmental and economic wellbeing and how they will achieve them; and
 - b) co-operate with local partnership arrangements and the strategic housing function of local authorities where they are able to assist them in achieving their objectives.”
- 12.3 Anti-social behaviour and hate incidents - Registered providers must have a policy on how they work with relevant organisations to deter and tackle anti-social behaviour and hate incidents in the neighbourhoods where they provide social housing.
- 12.4 Domestic abuse - Registered providers must have a policy for how they recognise and effectively respond to cases of domestic abuse.
- 12.5 This was discussed with registered providers who have stock across the borough at December 2023’s Strategic Housing Forum. Contact details of key officers leading on regulation implementation will be shared to ensure joint working is strengthened and evidence of such can be made available to the Regulator.

13. Risks and Mitigation

- 13.1 The key risk here would be a failure to work to strengthen compliance leading to a failure to meet the new regulatory framework for social housing and as a consequence a poor inspection outcome. The measures set out in this report are the mitigation against this risk.

14. Accountable Officers

James Clark, Assistant Director, Housing
 Sue Shelley, Business Development Manager

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp OBE	18/06/24
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	07/06/24
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	07/06/24

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