

Report for: 11 July 2023 Cabinet

Title: Agreement of Voluntary Undertaking With RSH

Report authorised by: David Joyce, Director Placemaking and Housing

Lead Officer: Jahedur Rahman, Operational Director of Housing Services and Building Safety .

Ward(s) affected: All

Report for Key/

Non Key Decision: Key

1. Describe the issue under consideration

- 1.1 In January 2023, the Council wrote to the Regulator of Social Housing (RSH), the body that provides independent oversight of all registered social housing providers including local authorities and Housing Associations and made a voluntary self-referral for a potential breach of the Home Standard.
- 1.2 The RSH assessed the evidence provided as part of the self-referral and confirmed that the Council has indeed breached two parts of the Home Standard. As a result, the RSH published a Regulatory Notice on 6th March 2023. This notice remains “live” for 12 months or until full compliance is achieved.
- 1.3 A report was presented to Cabinet in April 2023 detailing the reasons why the Council was in breach of the Homes Standard, and the Council’s Improvement Plan to address and resolve the issues raised. This report describes the additional step of entering into a Voluntary Undertaking with the RSH to further demonstrate the Council’s commitment to ensure that we are working openly and transparently with the RSH with the aim of achieving full compliance and discharge of the Notice.
- 1.4 A draft of the Voluntary Undertaking statement has been shared with the RSH who are in agreement with the statement, pending Cabinet approval.

2 Cabinet Member Introduction

- 2.1 Following the insourcing of the Housing Services last June, officers and members have been working hard to implement and drive change to improve our Landlord Compliance functions within housing services. As a Cabinet, we recognise how much work there is do, as highlighted in the recent Improvement Plan as approved by Cabinet in April.

- 2.2 Following on from the Self-referral to the Regulator for Social Housing, the Voluntary Undertaking is a further step in showing our commitment to bring about change and ensuring that we work openly and transparently with the Regulator, to achieve full compliance and discharge the notice.

The recommendations in this report will further ensure that we improve and maintain the safety of Haringey residents, and allow officers to deliver on the compliance commitments within the Housing Improvement Plan.

- 2.3 Since the referral to the Regulator, Housing Services have made significant improvement in clearing the Fire Risk Assessment backlog, reducing the number of properties without a valid EICR, and reviewing our stock data to target and reduce the number of non-decent homes we manage.
- 2.4 This Voluntary Undertaking is critical in overseeing the continued changes that will in time, bring about a positive transformation to the services we provide our residents and leaseholders.
- 2.5 This will work alongside and be embedded in our Housing Improvement Plan, which seeks to transform our Housing Service beyond our statutory responsibilities and improve key landlord functions.

3 Recommendations

- 3.1 Cabinet to note the content of the Voluntary Undertaking attached as Appendix 1.
- 3.2 To delegate authority to the Chief Executive in consultation with Director Placemaking and Housing, and the Head of Legal and Governance to enter into a voluntary undertaking with the Regulator for Social Housing, and to agree any subsequent changes
- 3.3 To note that on 18 April 2023, Cabinet agreed that annual assurance statement updates will be provided to Council which will include updates on the Regulatory notice.

4 Reasons for decision

- 4.1 It is essential that as a landlord the Council provides a good service to tenants and leaseholders, and as a minimum complies with all regulatory and statutory duties. Residents need to be assured that the Council is committed to improving its services, that it has a clear plan to do so, and is holding itself accountable.
- 4.2 Section 125 of the Housing and Regeneration Act 2008 allows a social housing provider to present to the RSH a Voluntary Undertaking which requires Cabinet approval.

5 Alternative options considered⁷

5.1 Alternative options include not approving a Voluntary Agreement with the RSH however the RSH does have a range of enforcement tools that may be used to ensure compliance against each of the regulatory standards, and if the Council cannot demonstrate a willingness to work in partnership with the RSH or their response is considered inadequate, the RSH may take enforcement action. Therefore, offering a Voluntary Undertaking to the regulator is the recommended option.

6 Background information

6.1 On 7 December 2021, Cabinet resolved that the Council's housing service which was then provided by Homes for Haringey ("HfH") should be brought back in-house and delegated authority to officers to deal with the detailed implementation process. It was agreed that the transfer would take place on 1 June 2022.

6.2 In June 2022, an external consultant produced a 'state of the nation' report on the status of the landlord function at the point of insourcing by the Council. This provided the Council with a high-level analysis of the state of the Landlord service and recommended an improvement plan be produced with clear milestones to address the service specific issues and identify clear accountabilities, with timelines.

6.3 In December 2022, the Council also commissioned a Property Compliance Health Check to assess the approach to managing six compliance areas: gas and heating; electric; fire and building safety; asbestos; water, and lifts. The health check found a number of areas of non-compliance, with several key recommendations made, particularly around overdue fire risk actions and electrical safety.

6.4 Following the findings of the external health check, the Council made a self-referral to the RSH in January 2023. The RSH responded in March 2023 to confirm that they had concluded that the council had breached two parts of the Home Standard:

- Part 1.1 (a) of the Home Standard says that registered providers shall:
(a) ensure that tenants' homes meet the standard set out in section five of the Government's Decent Homes Guidance and continue to maintain their homes to at least this standard.
- Part 1.2 (b) of the Home Standard says that registered providers shall:
(b) meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

6.5 Since identifying the issues the Council has embarked on implementing a Housing Services Improvement Plan, agreed at Cabinet in April 2023. The improvement plan is overseen by a strict governance regime including oversight by a Housing Members Improvement Board chaired by the Chief Executive.

6.6 The Cabinet report in April 2023 outlined the Governance framework, and now further work is underway to review the governance in relation to the Council's constitutional framework.

7.0 Regulator of Social Housing

- 7.1 The RSH is the government body tasked with overseeing the regulation of the social housing sector, regulating both local authority and housing association landlords, collectively known as Registered Providers (RPs). The RSH adopts an assurance-based co-regulation approach. This means that the local authority executive, usually the cabinet, in local authority landlords, or the board of the housing association are responsible for ensuring they comply with the regulatory standards set by RSH.
- 7.2 All Council housing providers are subject to the consumer standards and the RSH will intervene if these are breached and there is a significant risk of serious detriment to tenants or potential tenants.
- 7.3 The RSH expects the Council to have systems such as audit, risk management and performance monitoring in place that allow the early identification of problems and take effective action to resolve them.
- 7.4 Where appropriate the RSH expects providers to self-refer. The Council's approach has been to acknowledge failure and take responsibility for urgent improvement. The Council is working very closely with the RSH to achieve the necessary improvements
- 7.5 The Voluntary Undertaking sets out the scope and timeline for improvements within the Housing Services to meet the regulatory standards and requirements set by the RSH.
- 7.6 Section 125 of the Housing and Regeneration Act 2008 allows a social housing provider to present to the RSH a Voluntary Undertaking, pending cabinet approval. The [draft?] Voluntary Undertaking is attached as Appendix 1.
- 7.7 The Voluntary Undertaking is an agreement to satisfy the RSH that sufficient actions are being taken by the Council to address the breach identified and seeks to promote a more transparent and collaborative approach in working with the RSH, with the overall aim of significantly improving Housing services and ultimately the services we provide to our residents.

8. Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes'?

- 8.1 This will further assist with the agreed continued improvement and contribute to Theme 5 of the Corporate Delivery Plan Of Homes for the Future specifically the vision of a borough where everyone has a safe, sustainable, stable and affordable home.

9. Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)

9.1 Finance

9.1.1 Finance notes the content of this report and the proposed short- and long-term plans for implementing the required changes. The improvement plans that will deliver improved compliance and decent homes will require funding. The funds required will be met from the already approved improvement plan budget and existing budgets for the various areas of works.

9.2 Procurement

9.2.1 Strategic Procurement notes the contents of this report and confirms there are no procurement related matters preventing Cabinet approving the recommendations stated in paragraph 3 above.

9.3 Head of Legal & Governance [Name and title of Officer completing these comments]

9.3.1 The Head of Legal and Governance (Monitoring Office) has been consulted in drafting the report.

9.3.2 The Head of Legal and Governance (Monitoring Officer) sees no legal reasons preventing Cabinet from approving the recommendations in the report.

9.4 Equality

9.4.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

9.4.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.

9.4.3 Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

9.4.4 This decision is regarding entering into a Voluntary Undertaking with the RSH to demonstrate further the Council's commitment to ensure that we are working openly and transparently with the RSH.

9.4.5 This decision is not expected to have any direct positive or negative equality impact. It does, however, indirectly contribute to Haringey councils housing improvement plan. Black people, disabled people, women and those from a

low socioeconomic background are overrepresented in our social housing stock, so it is expected that this report will have an indirect positive impact on those who share protected characteristics.

10. Use of Appendices

Appendix 1 – Voluntary Undertaking Statement

11. Local Government (Access to Information) Act 1985

7 December 2021 - Decision on the Council's proposal to bring Homes for Haringey (HfH) in-house – [link here](#)

18 April 2023 - Housing Services Improvement Plan and Compliance Assurance Statement – [link here](#)