

**Report for:** Housing, Planning and Development Scrutiny Panel

**Title:** Voluntary undertaking to the Regulator of Social Housing

**Report**

**authorised by:** David Joyce, Director of 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: For information.

**1. Recommendations**

It is recommended that the Panel note this report.

**2. Describe the issue under consideration**

Housing, Planning and Development Scrutiny Panel requested an update on overall progress with the delivery of the Voluntary Undertaking to the Regulator of Social Housing, and progress since the last update was provided to the Panel.

**3. Background information**

- 3.1. 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.
- 3.2. 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.
- 3.3. 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.
- 3.4. At the time of the self-referral the Regulator was also aware that 30% of the council's housing stock did not meet the Decent Homes Standard.

- 3.5. The RSH assessed the evidence provided as part of the self-referral and confirmed that the Council had breached two parts of the Home Standard on the following grounds: non-compliance with the Decent Homes standard and the Council’s identification of over one hundred Category 1 hazards; the high number of high risk fire risk assessments outstanding; and the Council being unable to confirm that electrical inspection condition reports (EICRs) had been completed within the last ten years for around 4,000 properties.
- 3.6. As a result, the RSH published a Regulatory Notice on 6<sup>th</sup> March 2023. This notice remains “live” for 12 months or until full compliance is achieved.
- 3.7. 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 described the additional step of entering into a Voluntary Undertaking – statutory health and safety with the RSH to further demonstrate the Council’s commitment to ensuring that we are working openly and transparently with the RSH with the aim of achieving full compliance and discharge of the Notice.
- 3.8. On 11 July 2023 Cabinet approved the details of the Voluntary Undertaking as required under Section 125 of the Housing and Regeneration Act 2008 allowing a social housing provider to present to the RSH a Voluntary Undertaking.

### Summary of the Voluntary Undertaking

- 3.9. The Voluntary Undertaking (VU) identified three priority themes:

- Governance.
- Data quality and lack of a suitable management IT system.
- Programme management & reporting.

- 3.10. Our short-term plan as agreed with the Regulator is set out below:

Short term plan	
Commitment	Timescale / current status
Implement new Governance structure	May 2023 (Complete as of 19 May 2023)
Complete backlog of overdue Fire Risk Assessments	February 2023 (Complete as of 28 Feb 2023)
Complete backlog of overdue high-risk Fire Risk Assessment actions	March 2024
Complete backlog of 4046 electrical installation condition reports more than 10-years old.	May 2023 – Of the 466 incompletes at end of May 23,

	69 outstanding at the end of January 24
Complete validation of key compliance programme data	August 2023 - Complete
Update and improve monthly KPI compliance reporting by including additional data recommended by Pennington.	July 2023 – Complete
Complete backlog of 4236 electrical installation condition reports more than 5-years old.	December 2023 – Complete apart from 454 at end of Jan 24 due to no access.
Ensure 1000 homes that were not compliant at the date of our self-referral, comply with the Decent Homes Standard.	March 2024 – Complete as of November 23
Review and update Asset Management Strategy	March 2024 – Complete – Cabinet report December 2023
Procure and implement new compliance management system.	March 2024 – Complete

3.11. The information in the table above demonstrates that out of the ten short term actions agreed with the Regulator, nine have now been completed or largely completed, and one is not due to be completed until the end of March 2024.

### **Progress update**

- 3.12. The table below shows the compliance position at the point of the insourcing of Homes for Haringey as of June 2022.
- 3.13. At this time there were 80 overdue FRAs, 9,647 overdue domestic EICRs and 7,442 overdue actions of which 4,216 were high risk.
- 3.14. Following concerns about overdue electrical inspections and high-risk fire safety actions the Council sought assistance from external specialists Pennington Choices who carried out a health check in December 2022.
- 3.15. The table below shows the compliance position for the ‘big six’ areas of compliance that the industry generally uses to track performance as of December 2022. The Council subsequently made a self-referral to the Regulator of Social Housing in January 2023.

Ref	Compliance Area	Percentage Compliance	No. of Properties Affected	Frequency	No. Complying
1.	Fire Risk Assessments (12-month rolling)	98.41%	1,637	Variable	1,611
2.	Gas Safety (LGSR) Domestic (GN, SH, HOS & PSL)	100.00%	14,736	Annual	14,736
3.	Electrical (EICR) (Domestic & Communal)	54.39%	15,962	5-yearly	8,681
4.	Asbestos Reinspections (Communal)	88.22%	781	Variable	689
5.	Passenger Lift Inspections (LOLER)	100.00%	149	Biannual	149
6.	Water Hygiene (L8) Risk Assessments	100.00%	487	Biennial	487

3.16. The table below shows the compliance position against the same indicators as of January 2024.

Ref	Compliance Area	Percentage Compliance	No. of Properties Affected	Frequency	No. Complying	Percentage Compliance last reported	Trend since previous report
1.	Fire Risk Assessments (12-month rolling)	100.00%	1,617	Variable	1,617	99.81%	↑
2.	Gas Safety (LGSR) Domestic (GN, SH, HOS & PSL)	99.89%	14,585	Annual	14,569	99.94%	↓
3.	Electrical (EICR) (Domestic & Communal)	96.51%	15,812	5-yearly	15,260	95.95%	↑
4.	Asbestos Reinspections (Communal)	100.00%	1,174	Variable	1,174	99.91%	↑
5.	Passenger Lift Inspections (LOLER)	100.00%	148	Biannual	148	100.00%	↔
6.	Water Hygiene (L8) Risk Assessments	100.00%	383	Biennial	383	100.00%	↔

3.17. Between December 2022 and January 2024, the following improvements in the compliance position had been achieved:

- Fire risk assessments (FRAs)
  - December 22 – 26 properties non-compliant
  - January 24 - All properties compliant.
- Gas safety
  - December 22 all properties compliant
  - January 24 - 16 properties were non-compliant due to access. 3 have since been completed through subsequent contact with the tenants. 11 have been accessed by forced entry following Court action. 2 are scheduled for Court hearings on 1<sup>st</sup> March 2024 have been overdue for 5 days.

- Asbestos re-inspections
  - December 22 - 92 properties non-compliant
  - January 24 – All properties compliant.
- Electrical Inspection Condition Reports (EICRs)
  - **See table below.** This demonstrates an improvement of 3,698 properties with an EICR over five years old and less than 10 years old (between Dec 22 and January 23 **(87%)**), and an improvement of 3971 properties with an EICR over ten years old or no current EICR **(98%)**.

	Penningtons Dec 22	22/12/ 2023	05/01/2024
Total properties requiring EICR		15023	15023
Total properties with a EICR <5-years		14382	14410
Total number of properties without a current EICR >5-years	8,282	641	613
<b>Break down by age</b>			
Total properties with a EICR >5 <10-years	4,236	563	538
Total Properties with no current EICR or >10-years	4,046	78	75

3.18. Of the 538 properties with an EICR older than five years but less than ten:

- All have had four letters including an invitation to make an appointment, two timed appointments, two missed appointment cards and a final warning letter.
- All have been visited by an RLO, have been called and texted, as well as having an urgent contact request fixed to the door.
- The contactors continue to seek access to 191 properties by cold calling, texting and emailing and out of hours RLO visits.
- 323 properties have been handed back to LBH and the tenancy management team are visiting and writing to each.
- Tenancy management have exhausted all efforts to gain access to 45 of the 241.
- Vulnerability issues have been identified in 8 of the 241 and tenancy are working with other support agency on a case-by-case basis.

- Currently working toward the issuing of warning letters by legal team to commence court proceedings on at least 3 test cases.
- 3.19. Gas safety - There has been a slight decline in performance between December 22 when 100% performance was achieved, and January 24 when it was not possible to gain access to 16 properties due to non-engagement by residents and cancellation of court hearings over the Christmas period. All have now been completed.

### **Compliance Management System**

- 3.20. Included in the Voluntary Undertaking, the Council also undertook to procure and implement a new compliance management system to improve data management & reporting. A new compliance system has been procured and FRA and EICR data has been added to the supplier's template for data loading. A test site has been created for review in February and process and workflow workshops will also commence in February. The system 'go live' is anticipated to take place in April.

### **Decent homes position**

- 3.21. As of the 16th of January, the estimated number of homes made Decent in 2023/24 had risen to 1,232. Haringey has now met and exceeded the target as agreed with the Regulator for 1,000 decent homes in 2023-2024.

### **Regulator engagement**

- 3.22. Since the self-referral the Operational Director of Housing Services and Building Safety and the Director of Placemaking and Housing have been meeting monthly with the Regulator to monitor the Council's progress and provide the appropriate level of assurance that our plans are on track.
- 3.23. The Regulator has stated their confidence in the Council's improvement plans and direction of travel in relation to the Voluntary Undertaking.

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

- 4.1. By meeting the requirements of the Voluntary Undertaking the service is contributing to Theme 5 of the Corporate Delivery Plan – Homes for the Future, particularly the following outcome: **An improvement in the quality of housing and resident services in the social rented sector.**

## **5. Carbon and Climate Change**

- 5.1. By complying with the Decent Homes standard as set out in the Voluntary Undertaking, the Council will be improving the thermal efficiency and comfort of its council stock and making other improvements to the condition and quality of its homes to make it more efficient to manage and maintain for both the Council and residents.

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

Not required on the advice of the Principal Scrutiny Officer.

### **6.1. Finance**

Not applicable.

### **6.2. Procurement**

Not applicable.

### **6.3. Head of Legal & Governance [Name and title of Officer completing these comments]**

Not applicable.

### **6.4. Equality**

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.

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 applies to the first part of the duty.

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

This report is for information and does not have any direct positive or negative equality impact. The Voluntary Undertaking indirectly contributes to Haringey council's 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 it will have an indirect positive impact on those who share protected characteristics.

## **7. Use of Appendices**

None.

## **8. Background papers**

Agreement of Voluntary Undertaking with Regulator of Social Housing Cabinet Report 11 July 2023 and Appendix: [Briefing for: \(haringey.gov.uk\)](#)

[Voluntary Undertaking- Appendix 1.pdf \(haringey.gov.uk\)](#)