

Homes Policy Development Group

Tuesday, 11 June 2024 at 2.15 pm
Phoenix Chambers, Phoenix House, Tiverton

Next meeting
Tuesday, 10 September 2024 at 2.15 pm

Please Note: This meeting will take place at Phoenix House and members of the public and press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

The meeting will be hybrid and an audio recording made and published on the website after the meeting.

[To join the meeting online, click here](#)

Meeting ID: 311 098 477 501

Passcode: JnAvxu

Membership

C Adcock
J Cairney
A Glover
C Connor
F W Letch
N Letch
S Robinson
H Tuffin
Vacancy

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **Election of Chairman**
To elect a Chairman of the Homes Policy Development Group for the municipal year 2024 – 2025.
- 2 **Election of Vice Chairman**
To elect a Vice Chairman of the Homes Policy Development Group for the municipal year 2024 – 2025.
- 3 **Start time of Meetings**
To agree the start time of meetings for the remainder of the municipal year.
- 4 **Apologies and Substitute Members**
To receive any apologies for absence and notice of appointment of substitutes.
- 5 **Public Question Time**
To receive any questions from members of the public and replies thereto.
- 6 **Declaration of Interests under the Code of Conduct**
To record any interests on agenda matters.
- 7 **Minutes** (*Pages 5 - 12*)
To consider whether to approve the minutes as a correct record of the meeting held on 19th March 2024.
- 8 **Chairman's Announcements**
To receive any announcements that the Chairman may wish to make.
- 9 **Draft Corporate Plan 2024-28** (*Pages 13 - 38*)
To consider the draft Corporate Plan for 2024-2028 and to provide feedback to the Cabinet for amendment to the final draft.
- 10 **Performance Dashboard** (*Pages 39 - 40*)
To receive and discuss summary information reflecting performance in the General Fund and Housing Revenue Account Mid Devon Housing areas for quarter 4 2023/2024.

- 11 **Local Authority Housing Fund (LAHF) update and approach to allocating homes briefing**
To receive a briefing on the Local Authority Housing Fund (LAHF) and the approach to allocating homes.
- 12 **Income Management Policy** *(Pages 41 - 74)*
To receive a report from the Head of Housing & Health setting out the principles and the overall approach MDH takes to collect rent, service charges and other payments, prevents arrears, manages arrears and ensures that effective and appropriate action is taken to sustain tenancies and maximise income/reduce debt.
- 13 **Amendments to Mid Devon Housing (MDH) Home Safety Policy** *(Pages 75 - 80)*
To receive a report from the Head of Housing & Health. This policy was adopted by Council on 21st February 2024. There is now a requirement to add a further clause to the policy stating that Bioethanol fires/space heaters are not permitted to be used in MDH stock.
- 14 **Delegated Decisions for Mid Devon Housing (MDH) policies with minor amendments** *(Pages 81 - 90)*
To receive a report from the Head of Housing & Health requesting that there is a change to the current report procedure process so that minor or legally required changes can be delegated to the Head of Housing & Health (in consultation with the Cabinet Member for Housing).
- 15 **Final Report of the Tenure Reform Working Group** *(Pages 91 - 106)*
To receive a report from the Head of Housing & Health setting out the background to the work of the Tenure Reform Working Group which was established to investigate the continued use of flexible tenancies for all properties and whether this type of tenure is beneficial for MDH and tenants. The report of the Working Group listing their recommendations is attached.
- 16 **Mid Devon Housing (MDH) Tenure Review and Associated Review of Tenancy Conditions: Project PLan** *(Pages 107 - 118)*
This report is seeking approval to update the project plan relating to a review of the standard MDH tenancy agreement.
- 17 **Mid Devon Housing Service Delivery Report for Q4 and Outturn for 2023/2024** *(Pages 119 - 146)*
To receive a report from the Head of Housing providing a quarterly update to Members on activity undertaken by Mid Devon Housing (MDH), including some relating to enforcement.
- 18 **Mid Devon Housing Complaints Handling Report 2023-24** *(Pages 147 - 222)*
To receive a report from the Head of Housing & Health reviewing the Annual Complaints Handling process for 2023 / 2024.

19 **Work Programme for 2024/2025** (Pages 223 - 226)

To discuss the work programme for 2024/2025.

20 **Identification of items for the next meeting**

Members are asked to note that the following items are already identified in the work programme for the next meeting although they may need to be confirmed nearer the time:

- Housing Initiatives Plan (briefing)
- Draft General Fund and HRA budget for 2025/2026
- Repairs and Maintenance Policy (New)
- Right to Buy Policy (New)
- Hoarding Policy
- Tenancy Management Policy

Note: This item is limited to 10 minutes. There should be no discussion on the items raised.

Stephen Walford
Chief Executive
Monday, 3 June 2024

Meeting Information

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Teams.

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. Residents, electors or business rate payers of the District wishing to raise a question under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure a response is received at the meeting to the written question. This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

Residents, electors or business rate payers of the District may make a statement or shall be entitled to ask questions at a meeting which concerns the Council's powers / duties or which otherwise affects the District. If your question does not relate to an agenda item, the question must be submitted to the Democratic Services Manager two working days before the meeting to give time for a response to be prepared.

Please note that a reasonable amount of hardcopies at the meeting will be available, however this is a limited number. If you are attending the meeting and would like a hardcopy of the agenda we encourage that you notify Democratic Services in advance of the meeting to ensure that a hardcopy is available. Otherwise, copies of the agenda can be found on our website.

If you would like a copy of the Agenda in another format (for example in large print) please contact Sarah Lees on: slees@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 19 March 2024 at 2.15 pm

Present

Councillors

C Adcock (Chairman)
J Cairney, C Harrower, L Knight, F W Letch, N Letch and
S Robinson

Apologies

Councillors

S Chenore and A Glover

Also Present

Councillors

D Wulff, D Broom, S J Clist, G Duchesne and S Keable

Present

Officers

Richard Marsh (Director of Place & Economy), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Dr Stephen Carr (Corporate Performance & Improvement Manager), Mike Lowman (Building Services Operations Manager), Claire Fry (Operations Manager for Housing Management Services), Jason Ball (Climate and Sustainability Specialist), Sophie Richards (Customer Engagement Officer, Mid Devon Housing), David Parker (Democratic Services & Policy Research Officer) and Sarah Lees (Democratic Services Officer)

Councillors

Online

J Buczkowski and H Tuffin

62 Apologies and Substitute Members

Apologies were received from Cllr A Glover and Cllr S Chenore who was substituted by Cllr L Knight.

63 Public Question Time

No members of the public had registered to ask a question and none were present.

64 Declaration of Interests under the Code of Conduct

No interests were declared under this item.

65 Minutes

The minutes of the meeting held on 16 January 2024 were approved as a correct record and **SIGNED** by the Chairman.

66 Chairman's Announcements

The Chairman had the following announcements to make:

1. On behalf of the Group he extended his thanks and appreciation to Claire Fry, who would shortly be retiring, for all her help, advice and assistance in the 16 years she had been reporting to the Homes PDG. He wished her a long and happy retirement.
2. He thanked the officers for providing the reports to the meeting.
3. As Cllr Chenore had sent apologies for the meeting he proposed from the Chair that Cllr J Cairney be elected Vice Chairman for this meeting only. This was **AGREED** by the Group and accordingly Cllr J Cairney took his position in the Vice Chairman's seat.

67 Government consultation on reforms to allocation of social housing (00:09:00)

The Group had before it, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing which had been written in response to a letter received by all Council leaders from Baroness Scott (Parliamentary Under Secretary for Social Housing and Faith) setting out that government had launched a consultation seeking views on a series of reforms to how social housing was allocated in England.

The proposals were summarised and discussion took place regarding:

- Views were being sought by the Government in relation to the following new or updated tests: UK connection test, local connection test, income test, anti-social behaviour test, terrorism test and the false statement test.
- The Government were trying to create a more consistent approach nationally.
- The Council's current Devon Home Choice policy was still fit for purpose under the new proposals although it may require some small tweaks.
- Officers had some concerns regarding the proposed reforms on the anti-social behaviour (ASB) tests. More clarification was needed. ASB was a complex area, some ASB was gratuitous and unjustified other cases less so. The proposal of '3 strikes and you are out' seemed harsh and allowed little room for manoeuvre. Would these proposals, if implemented, actually create more homeless people? The Council aspired to be compassionate where it could, the proposals as currently set out prevented this.
- Concerns regarding the proposals for the UK connection test and the lack of detail provided in the proposals.

It was **AGREED** that the review, as set out within the report, form the basis of a proposed response to the consultation from Mid Devon District Council whilst also bearing in mind comments made by the Group today in relation to ASB and the UK connection test.

Note: * Report previously circulated.

68 Performance Dashboard Q3 (00:45:00)

The Group were presented with, and **NOTED**, the Performance Dashboard * providing summary information reflecting performance in the Mid Devon Housing (MDH) area for the previous quarter.

The following was highlighted:

- There were 2 corporate risks in relation to the Homes Policy Development Group.
- Under the General Fund, 4 indicators were either red or amber. However, it was explained that performance was likely to be higher than that reported with the utilisation of grants due to take place in quarter 3 and 4, therefore the year end performance figures would show a more favourable position.
- Under the Housing Revenue Account (HRA), performance levels were increasing. Staffing levels had improved slightly and 60 houses were on track to be completed by 31 March 2024.

Discussion took place with regard to:

- The need to see data in terms of 'direction of travel' rather than 'N/A' as this was not felt to be very helpful.
- More targets were needed and it was hoped these would be forthcoming once the Tenant Satisfaction Measures had been thoroughly analysed.
- Refinement of the Dashboard was still a 'work in progress' and a full year of data was needed in order to get most benefit from viewing performance data in this way.
- The Group needed to be aware that a new Corporate Plan was being developed and dashboards were likely to change as a result.

Note: * Dashboard previously provided.

69 Biodiversity Duty Report

The Group had before it a briefing paper * from the Climate and Sustainability Specialist and the Director of Place and Economy setting out the need for all of the Council's operating areas to be fully aware of their responsibility in needing to meet the biodiversity duty.

The following was highlighted within the paper:

- The Cabinet had asked for all Policy Development Groups to consider this statutory duty under their own remits and to provide ideas and policies to take back to it so that they could be incorporated into an action plan.
- Engagement with tenants regarding this issue needed to continue and be progressed. Achievements needed to be celebrated Enhancement projects needed to be considered, for example, roosting bricks in housing developments.
- Other ideas included awareness training and improving access to the green areas when developing housing estates.

- It was confirmed that new housing schemes already incorporated enhanced levels of Biodiversity. However, one of the tensions the Group needed to be aware of was the potential conflict with other aspirations, such as the pressure for parking on housing developments. Difficult conversations may be needed going forwards if the priority of one aspiration meant other aspirations, such as housing schemes, may not get permission for development.
- There needed to be more planting of wild flower meadows where possible.

Note: * Briefing paper previously circulated.

70 **MDH Service Delivery Report for Q3 (01:07:00)**

The Group had before it, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing providing an update to Members on activity undertaken by MDH, including some relating to enforcement.

The following was highlighted within the report and discussion took place with regard to:

- The report was slightly out of date due to timing issues between the end of quarter 3 and today's meeting. The outturn report for the whole year would be presented to the next meeting.
- Much work was taking place in relation to Tenant Satisfaction Measures. Some proposals for change would be brought to the next meeting.
- The Government had published new revised Consumer Standards, for example, in the area of accountability.
- There was lots of evidence of good performance.
- Heating repairs and routine repairs had dipped below target as there had been a focus on emergency repairs, however, performance had bounced back, any dip had been due to staffing issues and difficulty recruiting to this type of work.
- Some void properties had been left in a very damaged state which had needed time to rectify. Recharges needed to take place and non-payment followed up.
- There were different types of void including, structural, voids for decarbonisation, developmental voids and voids requiring adaptation.
- The Council had been given some 'new burdens' funding by the Government.
- 77% of the Council's properties contained asbestos. A licenced contractor was needed to remove this, approximately 300 houses were dealt with in this regard each year.
- No RAAC (reinforced autoclaved aerated concrete) had been found in any of the Council's properties.
- The service was now better staffed although there was a high turnover of Neighbourhood Officers.

Note: * Report previously circulated.

71 **Garage / Asset Management presentation (01:37:00)**

The Group received a presentation from the Corporate Manager for Public Health, Regulation and Housing and the Operations Manager for Building Services providing information in relation to asset and garage management as requested at the last

meeting. It was explained that the Council's Asset Management Strategy was being reviewed and a revised and updated version would be brought to the Homes Policy Development Group in the near future.

A summary of the information provided was as follows:

- Health & Safety was a key priority which was managed through an effective maintenance programme.
- There were still over 1000 garages in the Council's stock and the Council was 2 years into a 5 year modernisation programme.
- In terms of progress so far, every garage had been visited and measured, each one being assessed for a change of use. A key consideration was the potential to modernise and adapt a garage for housing.
- Garages were a good income source for the Council.
- Currently 87% were tenanted. 334 had been modernised.
- 600 people were on the waiting list for a garage with some people waiting because they wanted a specific garage.
- It cost around £2k to modernise a garage with these costs being recouped in around 5 years.
- Key components of the overall strategy included: homes, parking, sewerage, roads and green spaces.
- Garages were not treated any differently to any other asset owned by the Council.

Discussion took place with regard to:

- The information provided in the presentation had been very valuable to the Group to aid their understanding.
- The content of the presentation also demonstrated what a valuable income source the garages were to the Council.

72 **Tenant Satisfaction Measures perception survey and action plan update (01:49:00)**

The Group received and **NOTED** a presentation from the Operations Manager for Housing Services providing an update on the Tenant Satisfaction Measures (TSM) perception survey and associated action plan.

A summary of the information provided was as follows:

- There are a number of standards in the framework for social housing.
- There is a Tenant Satisfaction Measures Standard within the framework which requires Registered Providers of social housing to collect and record data to inform an annual return to the Government.
- Performance data needs to be collected and also 10 measures which relate to the tenants view of different aspects of the service.
- This perception data was collected by a survey sent out by a contractor, procured by a group of local landlords in partnership.
- 2830 surveys had been sent out; 635 had been returned. 100 people had responded by telephone, 187 by post and 338 online.

- A lot of data had been collected and was currently in the process of being analysed. The results would be formally reported at a later date and an action plan would be shared.
- The top three 'headlines' from the data analysed so far indicated that the Council's stock was well maintained, repairs were carried out effectively and Mid Devon Housing listened to its tenants.
- A free text question had been included in the survey which it was hoped would include some very valuable feedback from tenants.
- This would be an annual process and the approach for 2024/2025 was already being considered.
- Some initial lessons learned included the need to target different groups in the future to generate a wider response. Members would also be asked for their input.
- The biggest group of responders was in the 55+ age bracket.

Discussion took place with regard to:

- A question was asked as to whether results could be separated by ward? It was explained that agreeing to this request needed careful consideration as being able to identify individual tenants might be possible in some of the smaller more rural wards. Town wards would be less problematic.
- This was the first time the Council (and other Council's) had a consistent set of questions which could be assessed and benchmarked against others. This would be helpful in creating a blended improvement plan going forwards. Prior to this survey there was no real way of the Council comparing itself with others. It would enable a comparison across Devon, the South West and nationally.

73 **Work Programme for 2024/2025 (02:10:00)**

The Group had before it, and **NOTED**, the draft Work Programme for 2024/2025 *.

The Group agreed that the draft work programme already listed a big programme of activity for the coming year.

However, it was requested that the following items be added to it within appropriate time scales indicated if possible:

- Regular and programmed consideration of the Biodiversity duty.
- Revised Asset Management Strategy to the August 2024 meeting.

Note: * Work Programme previously circulated.

74 **Chairman's Annual Report for 2023/2024 (02:12:00)**

The Group had before it, and **NOTED**, the Chairman's Annual Report for 2023/2024 *.

The Group congratulated the Chairman on his excellent chairing and lead since being elected.

There being no further comment on the report, this would now be presented to full Council at their meeting on 24th April 2024.

Note: * Report previously circulated.

75 Identification of items for the next meeting (02:13:00)

No additional items were identified for the next meeting other than those already listed in the work programme.

(The meeting ended at 4.29 pm)

CHAIRMAN

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Report for: Homes PDG

Date of Meeting: 11 June 2024

Subject: Draft Corporate Plan 2024-28

Cabinet Member: Cllr Luke Taylor, Council Leader

Responsible Officer: Stephen Walford, Chief Executive

Matthew Page, Head of People, Performance and Waste

Steve Carr, Corporate Performance and Improvement Manager

Exempt: N/A

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local

Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All

Enclosures: Appendix 1: Draft Corporate Plan 2024-28

Section 1 – Summary and Recommendation(s)

To consider the draft Corporate Plan for 2024-28.

Recommendations:

- 1. Members are asked to review the draft Corporate Plan 2024-28, Appendix 1, and recommend their feedback to Cabinet for amendment to the final draft.**

Section 2 – Report

1.0 Introduction

- 1.1 A Corporate Plan is a strategy that documents, communicates and provides a framework for the delivery of strategic priorities. It should provide a shared understanding of what the Council is trying to achieve. This ensures the public are aware of the Council's objectives, and can therefore hold the Council accountable.
- 1.2 The Corporate Plan also clarifies to staff what the Council's priorities are, and enables their role in delivering the Plan to be delegated to them, such as through the appraisal process.
- 1.3 A Corporate Plan enables governance, resources and other management controls, such as risk management, to be aligned to the Council's strategic goals.
- 1.4 It is also used to assess performance by internal and external auditors in terms of Value for Money considerations, ensuring that Council resources are aligned and are being used effectively to achieve corporate aspirations.

2.0 Corporate Plan 2024-28 Development

- 2.1 The draft Corporate Plan has been under development since January 2024 when an initial meeting was held by the Council Leader with the Cabinet and committee/ Policy Development Group chairs and vice chairs. Officer support was provided by the Leadership Team and the Corporate Performance and Improvement Manager.
- 2.2 This initial meeting began to clarify the timeline for developing a new corporate plan, the approach to be undertaken, and the thematic areas to be explored.
- 2.3 Further research was undertaken by the Council Administration into the key development areas to be considered under each thematic area. Analysis of this feedback was provided by officers at a subsequent meeting in March 2024. Members from the Administration used this information to clarify and prioritise their aims and objectives. From this, the draft Corporate Plan 2024-28 has been developed by Council officers.

3.0 Draft Corporate Plan 2024-28 Structure

- 3.1 The draft Corporate Plan has a fairly typical layout for a strategy document. Following a front cover and a contents page, there are a series of background and contextual pages to introduce the reader to the Plan, the District, and to the Council.
- 3.2 The Council's priorities are structured around five themes, these are:

- Planning, Environment & Sustainability
 - Community, People & Equalities
 - Homes
 - Economy & Assets
 - Service Delivery and Continuous Improvement
- 3.3 The Council reviewed its governance arrangements in spring 2024, and realigned its Policy Development Groups to these themes.
- 3.4 For each theme in the draft Corporate Plan, a number of Aims are listed. 28 Aims are currently proposed. These provide a strategic statement of what the Council is aiming to achieve. For each Aim, there is an objective statement detailing how the Council will deliver on each Aim.
- 3.5 A set of performance indicators are provided within the draft document. These indicators and their targets are very much in development by officers. The performance indicators will enable both the Council, and others, to monitor and scrutinise performance in delivering the Corporate Plan. By exception, these indicators have draft performance targets in place. These are either set as annual targets, or as a target over the course of the Plan.
- 3.6 The final pages of the draft Plan detail the Council's values and there is a summary statement provided by the Chief Executive.
- 4.0 Further Refinement**
- 4.1 As stated, this is a draft document. It would benefit from the insight and review of all Elected Members. Members of this PDG are asked to consider the draft document, in particular the sections which pertain to this PDG, and recommend their feedback to the Cabinet meeting on 02 July. The draft Corporate Plan will subsequently be presented to Full Council on 17 July 2024 for consideration and approval.

Financial Implications

A new corporate plan will set the direction of policy travel for the Council at a strategic level. However, it does not have any direct actions associated with it at this point, and the council's financial context will continue to be set at a strategic level via the annual budget and Medium Term Financial Planning processes. When the Council agrees a new corporate plan, subsequent decisions that may be taken to realign activity to the new corporate plan in due course, will each be subject to the appropriate impact assessments given to decisions made by the Council in the normal way.

Legal Implications

Setting out the Council's Aims and Objectives through a corporate plan helps the Council demonstrate its performance in relation to Value for Money considerations.

Risk Assessment

Not applicable at this stage. Upon approval, the Council's performance to achieve its corporate plan will be measured and monitored through a suite of performance metrics. This will help to identify underperformance as soon as possible, and enable decisions to be taken to improve performance.

Risk management processes within the Council reflect the strategic and operational priorities of the Council. Therefore, once a new corporate plan is approved all relevant risk registers, particularly the Corporate Risk Register, will need to be reviewed to ensure they appropriately capture all relevant risks.

Impact on Climate Change

Throughout the draft Corporate Plan, aims and objectives related to the Council's impact on climate change can be noted. These are supported by relevant performance measures. Alongside this reference is made to climate resilience, ensuring that the Council and our communities are prepared and able to meet the challenges of a changing climate.

Equalities Impact Assessment

One of the five themes of the Corporate Plan is Community, People and Equalities which details a number of aims and objectives related to equalities. All policies and decisions undertaken by the Council as a result of a new Corporate Plan will be subject to an equalities impact assessment in the normal way.

Relationship to Corporate Plan

This report introduces the draft Corporate Plan 2024-28 which will replace the current Corporate Plan. A final performance report on the current Corporate Plan will be presented to Cabinet on 02 July 2024. The new corporate plan will set the overarching direction of travel for the council and will guide all future decision-making for the remainder of the political cycle.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Paul Deal

Agreed by or on behalf of the Section 151

Date: 31 May 2024

Statutory Officer: Maria De Leburne
Agreed on behalf of the Monitoring Officer
Date: 31 May 2024

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 31 May 24

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 24/05/2024

Cabinet member notified: Yes

Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. (No)

Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. (No)

Section 4 - Contact Details and Background Papers

Contact: Dr Steve Carr, Corporate Performance and Improvement Manager
Email: scarr@middevon.gov.uk
Telephone: 3CX Extension: 4217

Background papers:

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Corporate Plan 2024-2028

Additional title statement tbc

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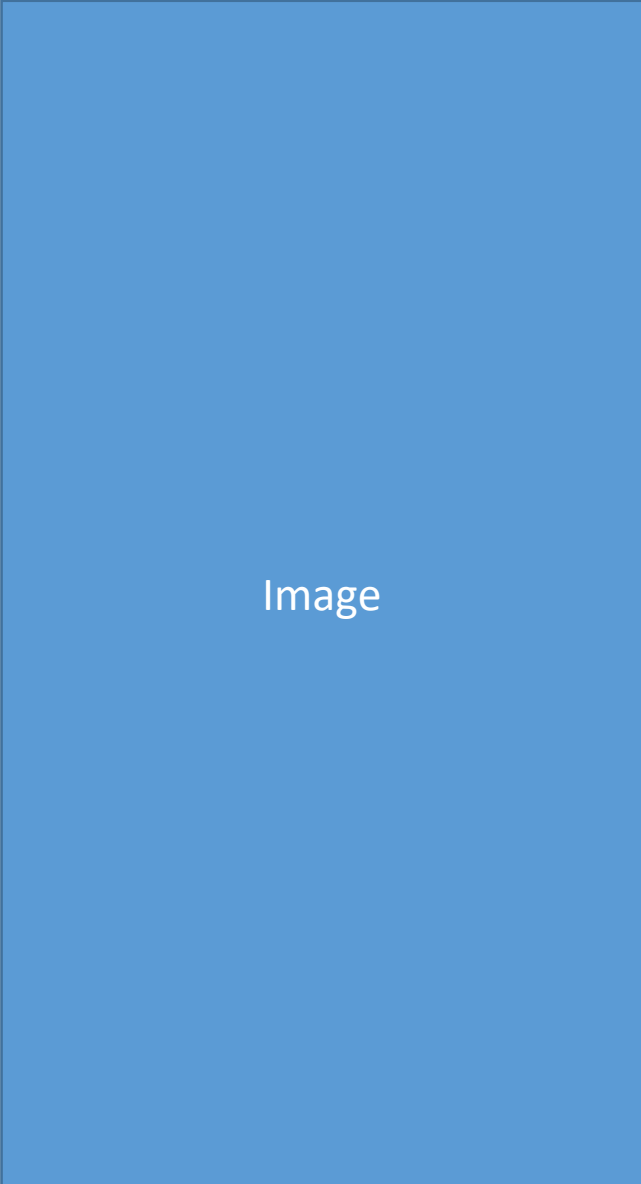


Corporate Plan 2024-28

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Introduction

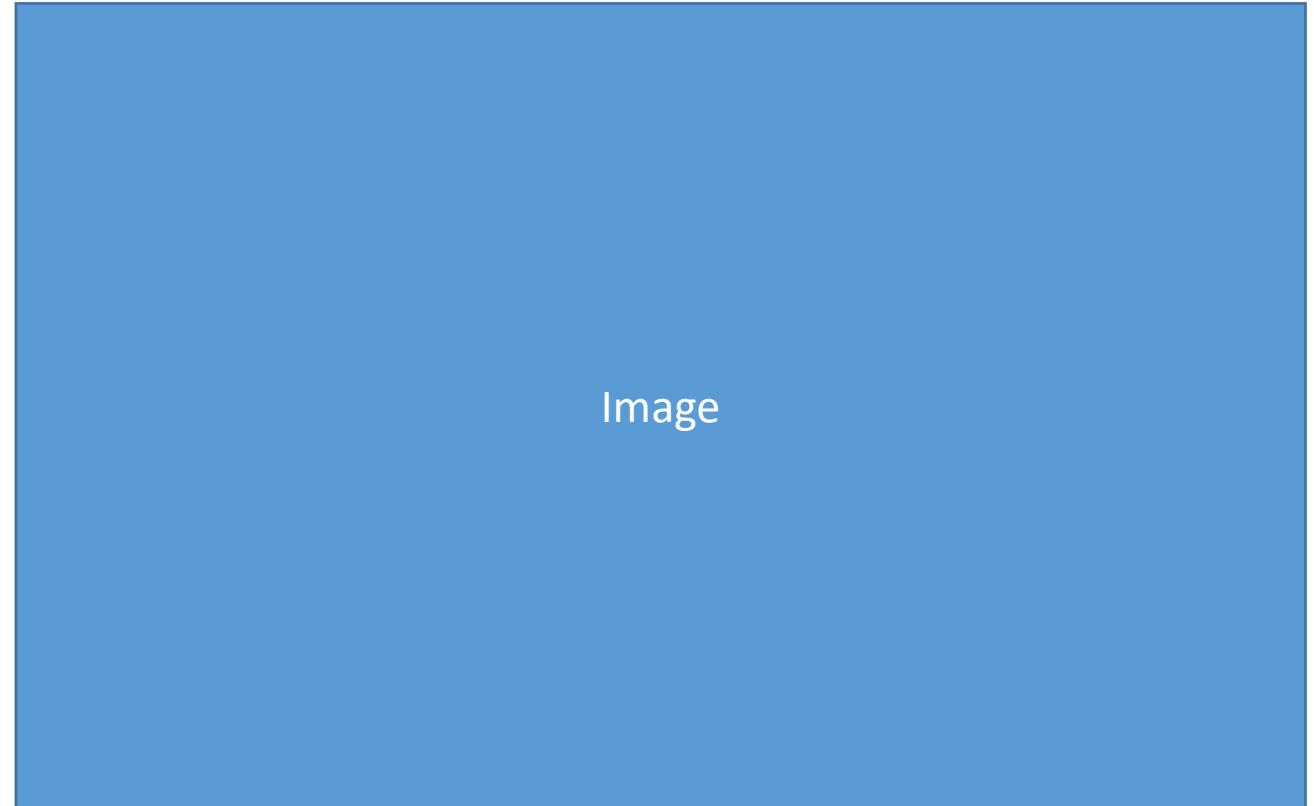
Through our Corporate Plan, we want to set out our ambitions for Mid Devon and the Council. By doing this, we hope to provide a shared understanding of what we are trying to achieve. Our Corporate Plan is split into five sections (or themes). These are:

- Planning, Environment & Sustainability
- Community, People & Equalities
- Homes
- Economy & Assets
- Service Delivery & Continuous Improvement

Within each of these five themes we set out:

- What we want to achieve
- How we will achieve it
- How we will measure our performance

The Council's Corporate Plan provides the framework for the delivery and monitoring of the Council's corporate ambitions.



Background

Mid Devon District Council serves a rural location covering an area of 353 square miles (914 km²) in the agricultural heartland of Devon, between Dartmoor, Exmoor and the Blackdown Hills. Mid Devon has three principle towns – Tiverton, Cullompton and Crediton. These towns provide services for surrounding rural communities.

Approximately 83,000 people live in Mid Devon, and more than half of our residents live in villages across the rural heartland. Of the 296 districts in England, Mid Devon is the 32nd largest by area, but it is also the 23rd smallest by population. This reflects its rural characteristics.

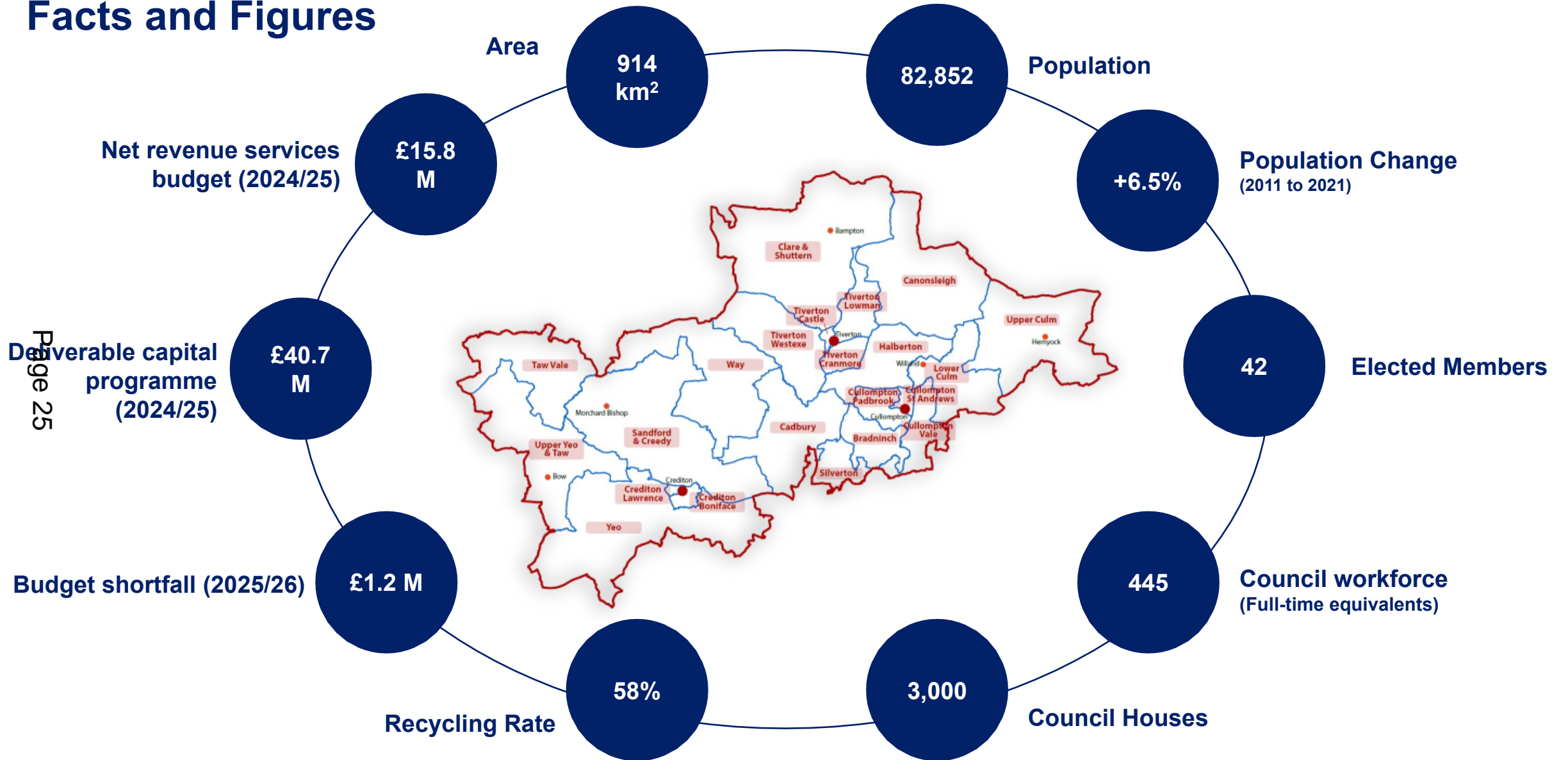
Strategically located on South West England's main transport and communication corridor, Mid Devon is mid-way between Taunton and Exeter. Our main offices lie to the North East of the city of Exeter, one of the most rapidly expanding economies in the country. As a district council, Mid Devon has sought to maximise this opportunity by delivering quality growth in a high-quality environment.

“It is my pleasure to present the Corporate Plan 2024 - 2027. This Plan expresses a positive and ambitious vision for Mid Devon, however it also acknowledges the financial challenges facing the Council, and the district more generally. Understanding this broader context is important for setting the right expectations. The actions and targets set out in the corporate plan must be both ambitious and achievable in order to provide a meaningful assessment of the progress the Council is making. We will keep these under regular review to ensure they drive continual improvement and deliver the Council’s vision. We are committed to engaging with others in a collaborative way. We are strong local leaders, and will help others to improve and grow. We take pride in doing this.”

Cllr Luke Taylor
Leader of Mid Devon District Council



Facts and Figures



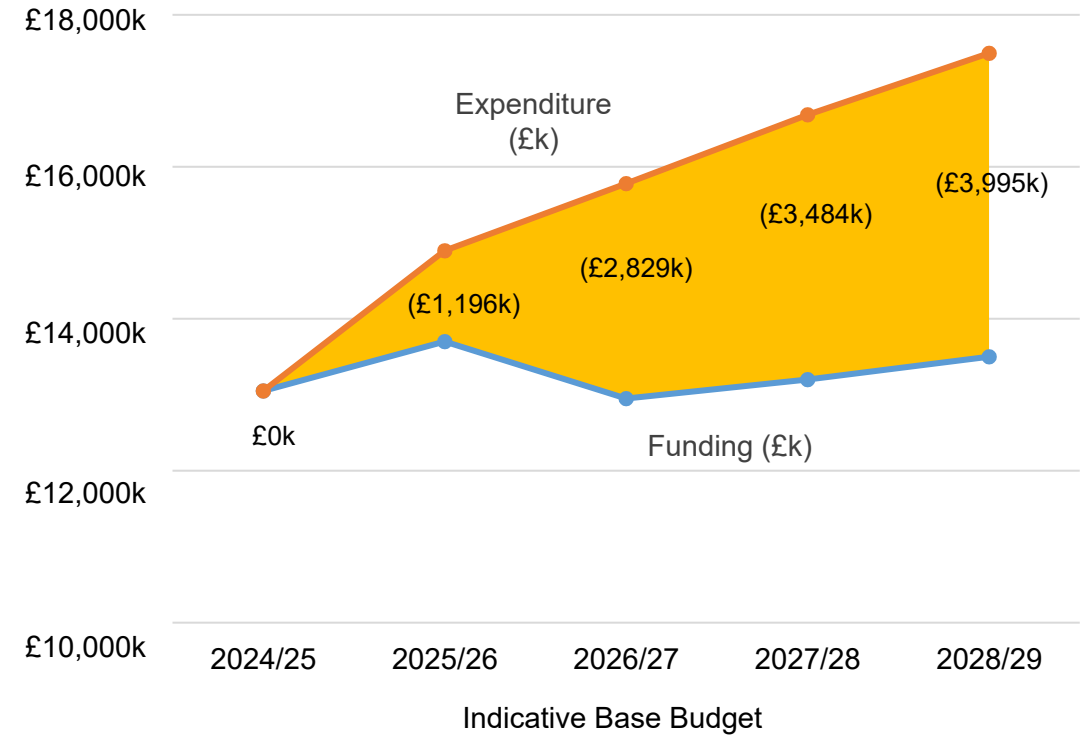
Medium Term Financial Plan

The General Fund Medium Term Financial Plan summary position shows a cumulative shortfall of £3,995k over the remaining four-years of the Plan which remains to be addressed.

The underlying budget shortfall occurs largely in 2025/26 and 2026/27 due to inflation and reduced grant funding assumptions linked to long outstanding and overdue reforms to Local Government Funding mechanisms. These include:

- 2025/26 Grant allocations remain as per 2024/25. 2026/27 and beyond Grant Allocations assume a 50% reduction;
- A partial loss of historic growth in business rates on reset of the business rates system in 2026/27;
- Council Tax referendum principles at previous levels (£5 or 2%) from 2025/26.

These projections demonstrate the challenging financial position facing local councils, and set the context for outlining our corporate objectives.



Our Priorities

Our aims and objectives are centred around five themes:



Planning, Environment & Sustainability - To be a leader and pioneer of best practice so new innovation and thinking is at the heart of the services we deliver and informs our planning policies.



Community, People & Equalities - Involving and engaging with our communities, ensuring everyone is treated with equity and respect, and protecting our most vulnerable.



Homes - Delivering new affordable and social homes annually, improving and maintaining the existing stock to the highest standards.



Economy & Assets - Growing the District Economy and increasing returns from our assets.



Service Delivery & Continuous Improvement - Delivering Council services that residents want in the right way, in the right place and at the right price.

1 Planning, Environment & Sustainability

To be a leader and pioneer of best practice so new innovation and thinking is at the heart of the services we deliver and informs our planning policies.

1.1 Demonstrate climate leadership through achieving ambitious net zero targets

We will take action on reducing our own emissions, but will also look to bring in additional funding to make our journey towards net zero a reality. Lowering our fleet emissions and supporting tree planting schemes will feature alongside opportunities to ensure our high-energy services, such as leisure centres, are as efficient as possible.

1.2 Support the district's climate resilience and net zero carbon aspirations

We will continue to expand the provision of electric charging points across the district and will support community groups undertaking environmental action – sharing best practice and encouraging learning across Mid Devon. We will continue to work to support the implementation of the Devon Carbon Plan and will look beyond our borders to learn from others as we support our communities to take opportunities to lower emissions and generate renewable energy.

1.3 We will work with stakeholders to introduce planning policy which reflects the key issues and challenges facing the district

We will work with communities to bring forward the new local plan – Plan Mid Devon based around our top planning priorities, seeking to encapsulate and reflect the planning ambitions of the council and its communities. As the Government increases its oversight on planning performance, we will ensure our planning decisions are timely, robust and defensible.

1.4 We will ensure that biodiversity is increased across the district

We will develop and implement our biodiversity duty action plan, and will encourage developers to exceed the minimum 10% biodiversity net gain, working with local communities where possible, in order to bring real enhancement to nature across the district.

1.5 We will value and protect Mid Devon's natural and built environment

We will work with our communities to address environmental damage and will look to prosecute those who cause harm through fly tipping or littering. We will also challenge those who fail to mitigate environmental impact, liaising with other statutory bodies as required to bring about change. We recognise the importance of the built environment and will work to protect our heritage.



Performance Measures and Targets

To ensure transparency and accountability, we have set out how we will measure the performance of our Corporate Plan and our targets.

No.	Measure	2022/23	2023/24	Target	Comment
1.1	Council carbon footprint	17,730 t CO ₂ e	TBC	To be discussed	
1.1	Carbon emissions avoided (renewables and green transport)			TBC	
1.2	Electric car charger points across MDDC car parks	0	0	10 by 2028 (TBC)	Need to clarify baseline (start point)
1.2	Secure external funding to deliver carbon reduction in the district			(TBC)	In development (RM)
1.3	Planning application standards on the speed and quality of decision making				In development (RM), suite of PIs
1.3	Strengthen planning enforcement approach by bringing forward a revised local enforcement plan			Adoption of new plan by end of 2024	RM to timeline
1.3	Adopt Plan Mid Devon			Adoption by 2027	In development (RM)
1.4	Biodiversity gain above 10% across new developments		>10%	>10%	To be reviewed once we have a meaningful baseline

2

Community, People & Equalities

Involving and engaging with our communities, ensuring everyone is treated with equity and respect, and protecting our most vulnerable.

2.1

We will work closely with Town and Parish councils

We value and understand the importance and expertise of our Town and Parish councils. We will seek to develop closer collaborative working relationships through improved communications and engagement.

2.3

We will support the health, wellbeing, and safety of our residents

We will ensure that our leisure services continue to help improve peoples' health outcomes. We will keep the public safe through our rigorous public health inspections. And we will continue to enable people to stay in their homes by coordinating housing adaptations. We will work to ensure our places are planned to improve health and wellbeing.

2.5

We will listen to and respond to feedback

We value all feedback that the Council receives. We will maintain an effective complaints process and ensure that we respond promptly and appropriately. We will ensure that the we consult and engage with stakeholders in an open and transparent manner.

2.2

We value and will work closely with local Voluntary, Community and Social Enterprise organisations

We recognise the vital role that voluntary, community and social enterprises play in our district. We will continue to support these organisations develop including through the use of grant funding. We will support community events across the district and recognise the importance of youth services.

2.4

We will support our residents and communities through the Cost of Living Crisis

We recognise the challenges facing people brought about by the Cost of Living crisis. Through administrating benefit schemes and applying Council Tax Reduction schemes we will support the vulnerable in our communities. We will draw down grant funding to support businesses in our communities through these challenging times.



Performance Measures and Targets

No.	Measure	2022/23	2023/24	Target	Comment
2.1	Support towns and parishes to develop their Community Emergency Plans		4	4 p.a.	New measure
2.2	Support the VCSE sector by securing additional external funding		£200k	>£200kp/a	Need to baseline
2.3	Homes made safe under the Housing Assistance Policy	N/A	81	60 p.a.	
2.5	New Subscribers to Let's Talk Mid Devon	N/A	415	400 p.a.	
2.5	Complaints resolved within target timescales	93 %	92 %	85 % p.a.	Revised complaints policy timelines are far shorter for complex cases, hence reduced proportion expected

3

Homes

Delivering new affordable and social homes annually, improving and maintaining the existing stock to the highest standards.

3.1

We will increase the delivery of quality designed, well built homes across the housing market to meet identified needs

Mid Devon does not have enough homes. We will support the delivery of quality new homes built in the district. We will build and expand our own social housing, and encourage the delivery of new affordable homes built in the district.

3.2

We will build, promote, and encourage the building of energy efficient and low carbon homes and communities

We recognise that our homes in Mid Devon need to be fit for the future. We will ensure our social housing meets high energy efficiency standards. Through planning and building control we will act so that homes in the district are energy efficient, low carbon, and resilient to climate change.

3.3

We will invest in our homes

We will upgrade our social housing by installing energy efficiency measures and renewable energy. We will maintain our high standards of maintenance across Mid Devon Homes. We will monitor tenant satisfaction with maintenance and act on the feedback received.

3.4

We will work closely with our tenants to ensure they feel safe, secure and happy in their homes

We will monitor and continue to improve overall tenant satisfaction. We will work to ensure that cases of antisocial behaviour are kept to a minimum. We will work with our tenants through engagement events, and be guided by them to ensure they feel safe, secure, happy and satisfied in their homes.

3.5

We will support and respond to people presenting as homeless

We will act compassionately to minimise rough sleeping in the district, ensuring people have a safe warm place to sleep. We will maximise homelessness prevention through the use of different types of accommodation, and increase the number of housing options available. We will provide support and guidance for people presenting as homeless.



Performance Measures and Targets

No.	Measure	2022/23	2023/24	Target	Comment
3.1	New Council houses added to MDH stock	N/A	6 (check number – not correct)	100p/a	Anticipated 440 by 27/28
3.1	Additional affordable homes delivered across the district			TBC (LHNA figure)	Including market delivery and RSLs
3.2	New net-zero MMC properties in Mid Devon stock			50/pa	The majority (greater than half) to be net zero
3.3	Tenant satisfaction with the overall repairs service (TP02)			70 % p.a.	Check we check regulatory regime – are these min thresholds?
3.4	Tenant satisfaction that home is safe (TP05)		71.6 %	70% p.a.	See above
3.5	Support those experiencing homelessness by minimising the use of B&B accommodation				Lower than £xxx spent

4

Economy & Assets

Growing the District Economy and increasing returns from our assets.

4.1

We will work with local businesses, stakeholders and residents to regenerate our town centres

We will act to secure and distribute grant funding to support our town centres. Events and projects will be used to encourage increased footfall and ensure vibrant high streets.

4.4

We will support business and economic development across Mid Devon, enabling job creation, and supporting sustainable tourism growth

We will build on our excellent track record of securing funding to support economic development projects and will support businesses develop into new markets. We will work to develop events and festivals in Mid Devon to encourage footfall into our communities to benefit our businesses, making Mid Devon a destination in its own right.

4.6

Work with our communities and stakeholders to ensure our car parks meet the parking requirement needs of our communities

We will continue to work in a collaborative manner with key stakeholders to review the use of our car parks. We will ensure that our parking charges are fair whilst maintaining a sustainable business model.

4.2

We will build on successful commercial activity, working with our communities to ensure its success

We will continue with prudent commercial ventures. This includes letting industrial units to local businesses, expanding electric vehicle charging points on council assets, and ensuring Tiverton Pannier market continues to be a success.

4.5

We will work with partners to ensure that Mid Devon has the infrastructure it requires to meet its potential

We will play a key role in realising the major infrastructure the district requires to help it meet its potential. This includes the upgrade to J28 of the M5; the Cullompton Town Centre Relief Road; Cullompton Station; Culm Garden Village; and Tiverton Eastern Urban Extension.

4.7

The Council is able to maintain its property and land and maximise the benefits of these assets to the council and to the public

It is vital that we maximise income streams from our assets. We will explore opportunities for partners becoming commercial tenants in our existing properties.

4.3

We will support local businesses set-up, develop and grow

We will fully investigate the potential of establishing a co-working space for small businesses through the Work Hub project. We will drawdown and administer grants for businesses local to set up, develop and grow in the district.



Performance Measures and Targets

No.	Measure (reporting timespan)	2022/23	2023/24	Target	Comment
4.1	Events supported in our town centres			6 p.a.	In development (RM)
4.2	Pannier market occupancy rate	85 %	86 %	85 % p.a.	To be discussed?
4.3	Co-working spaces developed to support local economic activity			5 by 2027/28	In development (RM)
4.3	Businesses supported (non-financial support)	269	292	TBC	In development (RM), also applicable for 4.4
4.4	Tourism events supported			2 or 3 p/a?	In development (RM)
4.5	Secure the delivery of key enabling infrastructure at Cullompton				In development (RM)
4.7	Commercial property voids			Less than 5 %	

5

Service Delivery & Continuous Improvement

Delivering Council services that residents want in the right way, in the right place and at the right price.

5.1

We will ensure that The Council remains the employer of choice in Mid Devon

Against a set of challenging circumstances, we will ensure that our staff remain motivated and satisfied. We will ensure that staff development opportunities are available and that people choose to have long, productive, and happy careers with us.

5.3

We will maintain our leisure services and ensure they are fit for the future

We recognise the need to continue to reduce the environmental impact of our leisure services and will work to reduce the carbon emissions of our leisure centres. We will also strive to move the service to having less financial dependence on the council, whilst ensuring our leisure users are satisfied.

5.5

We will continue to improve and transform our services

We will continue to take the opportunities that arise from digital transformation to improve our services. Where appropriate we will consider opportunities for shared services or new ways of working with our partners. We will seek to improve our overall productivity to ensure Value for Money.

5.2

We will further increase our recycling services, enabling our communities to achieve even higher levels of recycling

Through education and enforcement, we will continue to reduce residual waste collected. Alongside this we will strive to have one of the highest recycling rates in England, and consider additional waste streams we can collect as recycling. Our services will remain excellent, with minimal missed bin collections, and a high opt-in rate to our garden waste service.

5.4

Council finances remain sustainable despite difficult financial conditions

Prudent financial management is critical in the testing financial environment. We will build up our financial reserves, maximise income collection, and ensure that debt remains at an appropriate level.

5.6

Ensure that the public have a good understanding of council services, and that they are satisfied that the services are efficient and effective

We will strengthen our public communications to ensure clarity on the services that we are responsible for. We will measure public satisfaction and act on the results to ensure residents are satisfied with our performance.



Performance Measures and Targets

No.	Measure (reporting timespan)	2022/23	2023/24	Target	Comment
5.1	Staff turnover	19.5 %	17.0%	17.0% in 2024/25	2027/28 target: 15% (excluding retirees/ dismissals)
5.1	Positive staff engagement (staff survey measure)		TBC	72% in 2025/26	75% in 2027/28
5.2	Residual waste per household	327.3 kg	313.3 kg	300 kg in 2024/25	Targets: 290 kg (25/26); 285 kg (26/27); 260 kg (27/28)
5.2	Household recycling rate	55.4%	57.8%	58.5 % in 2024/25	Targets: 59% (25/26); 59.5% (26/27); 62 % (27/28)
5.2	Missed Bin Collections (All)	0.04 %	0.03 %	0.03 % p.a.	Need the aggregated figure
5.3	Total leisure memberships / Reducing level of public subsidy			TBC	Check with members on preferred metric
5.4	National non-domestic rates collection rate	96.8 %	99.4 %	98 % p.a.	
5.4	Council Tax collection rate	97.1 %	97.5 %	98 % p.a.	
5.6	Public survey engagement rate			15 % p.a.	
5.6	Overall council approval rating			70 % p.a.	Use residents survey data as baseline?

Our Values

The organisation has an agreed set of core values that underpin the way we work and how we fulfil our aspirations. These values are known as the four Ps and set out what we believe should be the basis for the type of organisation we want to be.

These values are:

- People
- Performance
- Pride
- Partnership

While our organisation is a place-based entity, rooted in the custodianship of the area of Mid Devon, it is nevertheless primarily a people-focused business. The organisation supports and is steered by our Councillors as the democratically-elected representatives of the people, and is run for the benefit of the people of Mid Devon. Our performance as individuals and as a collective is paramount, and we expect all those working for or with Mid Devon to take pride not only in their own work, but in the way we operate and the outcomes that are achieved for our communities.

Finally, we recognise the core value of partnership as so many of our services depend on our relationships and collaboration with suppliers, contractors, government and its departments and agencies; local towns, parishes and the voluntary sector; or the wider strategic network of councils working together across Devon and the South West.

Summary

The corporate plan sets out the ambition for what the council is aiming to achieve over the next four year period. It acts as the driving force behind our collective efforts and the guiding principles unifying our shared intent. Importantly, it also sets the strategic framework for managing our performance – and this cascades through the organisation in order that everyone can understand their role and how their success as an individual or as a local delivery team contributes to the success of the whole organisation and wider Mid Devon team.

We will use regional and national benchmarking to evaluate our performance and will ensure that we take opportunities to learn in order to deliver services for the people of Mid Devon that are informed by best practice and tailored to reflect the needs of our residents and communities. We will look ‘up and out’ not only to contextualise our own performance, but also to seek opportunities to collaborate with other authorities; neighbours, peer groups, and national innovators, to deliver better quality, more efficient services.

We start this corporate plan with a number of award winning services and top quartile achievement on a national basis. Against an increasingly difficult resource backdrop for local government, our challenge will be to maintain our existing high performance in the priority areas set out in this plan, and to support those functions where greater focus is needed. Our ambition can only be delivered by continuing to transform and modernise the way we work in order to deliver best value, by recognising the partnership and community interests of many other stakeholders in delivering this plan, and by working to maximise the effectiveness of all those with whom we share a common goal.



Stephen Walford
Chief Executive



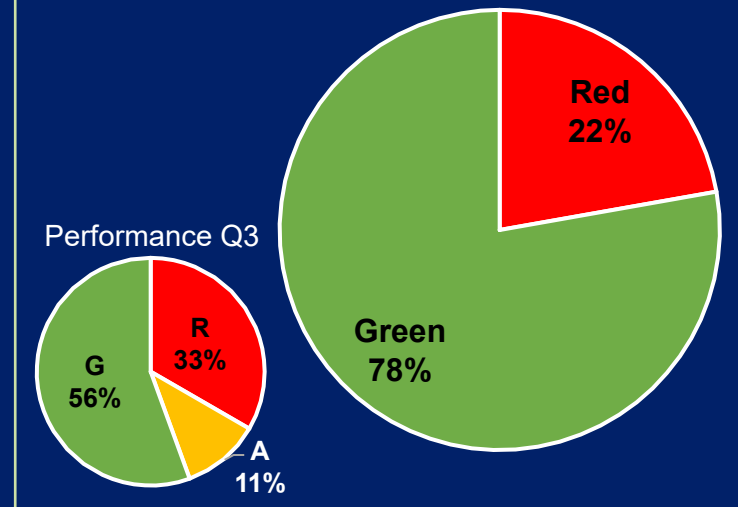
Homes PDG Performance Dashboard (General Fund) – Quarter 4 2023/24

Performance Measures	Performance	Annual Target	RAG
Homelessness approaches – advice given (YTD)	802	800	G
Households in B&Bs (Current)	18	N/A	
Households placed in interim or temporary accommodation this quarter	83	TBC	
16/17 year olds and care experienced young adults owed a homeless duty (QTR4)	5	TBC	
Housing Assistance Policy (retrofit schemes; YTD)	1	N/A	
Homes made safe under the Housing Assistance Policy (YTD)	81	60	G
Home Improvement Loans sanctioned (YTD)	16	10	G
Private rented sector improvements (YTD)	19	10	G
Investigation of potential HMOs (Average YTD)	100 %	95 %	G
Private sector housing service requests response rate (Av. YTD)	85 %	95 %	R
Unoccupied and unfurnished empty homes (Current)	554	N/A	
Extra homes allocated Council tax bands and chargeable (YTD)	509	350	G

Finance Measures	Performance	Annual Target	RAG
Homes PDG – Outturn	£224k	£342k	G
Temporary Accommodation Costs	£532k	£428k	R
Spend on interim and temporary accommodation this quarter (Q4)	£282.7k	N/A	

Corporate Risk	Risk Rating (Trajectory)
Homes for Ukraine Scheme	9 (no change)

Overall Performance Q4



In Focus

£107,116 worth of Home Improvement loans have been drawn down this year to cover a range of home improvements, including disabled adaptations and energy efficiency measures as well as general home repairs.

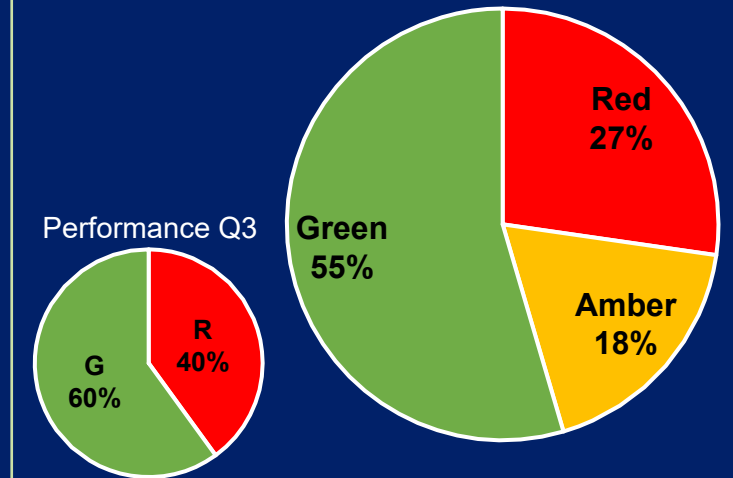
Homes PDG Performance Dashboard (HRA) – Quarter 4 2023/24

Performance Measures	Performance	Annual Target	RAG
MDH Overall tenant satisfaction (TSM - TP01)	62.4 %	TBD	
MDH Satisfaction that the home is safe (TSM – TP05)	71.6 %	TBD	
MDH Complaints responded to within Complaints Handling Code timescales (TSM-CH02; Average YTD)	97.9 %	100 %	A
MDH Antisocial behaviour cases relative to the size of the landlord (TSM – NM01; YTD)	10.83	TBD	
MDH Delivery of new Social Housing (YTD)	50	60	R
MDH Housing stock occupancy rate (YTD)	97.2 %	97 %	G
MDH Routine repairs completed on time (Average YTD)	99.1 %	95 %	G
MDH Facebook followers (% Increase; YTD)	51.0 %	25.0 %	G
MDH specific tenant engagement events (YTD)	112	30	G
Market delivery of new affordable homes (YTD)	88	94	A

Finance Measures	Performance	Annual Target	RAG
HRA – Outturn	(£393k)	£0	G
HRA – Tenant Income	(£13,630k)	(£13,556k)	G
HRA – Capital Outturn	£16,653k	£22,004k	R
HRA – Capital Slippage % of development projects (Current)	54%	0%	R

Corporate Risk	Risk Rating (Trajectory)
Housing Crisis	12 (no change)

Overall Performance Q4



In Focus

Strong delivery of new Council homes with 50 delivered in year. Additional schemes commenced in 23/24, some going live in April and May 2024 including Shapland Place and Beech Rd. Several recent planning approvals to ensure proficient pipeline into 24/25.

Good overall stock occupancy rate >97% despite high void numbers and pressures in-year. Repairs performance continues to be high and remains a service priority.

Excellent increase in tenant engagement events and overall involvement in line with new tenant involvement consumer standard.



Report for: Homes Policy Development Group

Date of Meeting: 11th June 2024

Subject: **REVIEW OF THE MID DEVON HOUSING (MDH) INCOME MANAGEMENT POLICY**

Cabinet Member: Cllr Simon Clist Cabinet Member for Housing and Property

Responsible Officer: Simon Newcombe – Head of Housing and Health

Exempt: None

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All

Enclosures: Annex A – Income Management Policy
Annex B – Income Management Policy Equality Impact Assessment

Section 1 – Summary and Recommendation(s)

This policy sets out the principles and the overall approach that Mid Devon Housing (MDH) takes to collect rent, service charges and other payments, prevent arrears, manage arrears and ensure that effective and appropriate action is taken to sustain tenancies and maximise income/reduce debt. The policy applies to all properties owned and managed by MDH, including properties let on tenancies, licenses and leases.

Consequently, the policy must achieve a fair, transparent and balanced approach and revisions have been made to ensure there is even greater clarity around different circumstances of debt management including tenant and landlord responsibilities. It

has also been updated to reflect current, highly effective income management practices that have evolved in recent years including early engagement with tenants.

MDH encourage tenants to contact us at the earliest opportunity if they are experiencing financial difficulty so that our officers can assist them to sustain their tenancies and keep their homes.

Recommendation:

- 1. That the PDG recommends that Cabinet adopt the updated MDH Income Management Policy and Equality Impact Assessment contained in Annexes A and B respectively.**

Section 2 – Report

1 Introduction

- 1.1 Under the Transparency, Influence and Accountability Standard, The Regulator of Social Housing (RSH) requires all registered providers (RPs) to provide tenants information about Landlord Services which includes rents and service charges payable by tenants.
- 1.2 The RSH expects registered providers to use a co-regulatory approach and they regard councillors as responsible for ensuring that providers' businesses are managed effectively and comply with all regulatory requirements. Consequently, it is important that councillors approve the relevant policy approaches adopted by MDH.
- 1.3 The Social Housing (Regulation) Act 2023 has significantly changed the regulatory framework for social housing and introduced a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime was to ensure that providers of social housing, such as the Council treats its tenant with respect.
- 1.4 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how well their landlord is performing giving tenants a stronger voice.
- 1.5 As part of the new consumer regulation regime the RSH introduced a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measure include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants views on our performance.
- 1.6 The TSMs most directly associated with this Policy are:
 - TP01 - Overall Satisfaction
 - TP08 - Agreement that the landlord treats tenants fairly and with respect
 - TP09 - Satisfaction with the landlord's approach to handling of complaints

2 Review of the Income Management Policy and changes

- 2.1 The previous Income Management Policy was adopted in 2015 and was due for review in 2019. Since then the regulatory regime has changed and the RSH has introduced measures to ensure that RPs put tenants at the heart of everything they do. Additional approaches were adopted during the Covid pandemic which increased both informal and formal early engagement with tenants in order to reduce arrears, increase collection rates and overall, help sustain tenancies which has been highly successful.
- 2.2 This has led a core review of the Income Management Policy to reflect these positive changes and existing practice.
- 2.3 Despite a cost of living crisis and relatively high social rent increases set by Government in recent years these regulatory and practice changes have led to annual rent recovery being sustained at a high level (97.79% for 23/24).
- 2.4 Having a dedicated income management team in place within MDH has several benefits over a more generic approach:
- Dedicated focus on MDH tenancies and MDH accounts
 - Bespoke or tailored processes
 - High levels of early engagement that underpin landlord role and support requirements of social housing consumer standards
 - Effective working relationships with tenants
 - Close working with wider Neighbourhood Officers to understand tenants and broader estate issues – consistency of tenant engagement and shared awareness across tenancy issues and contact points
 - Experience in working with vulnerable residents
- 2.5 MDH will only evict tenants as a last resort and our Officers are trained to be able to assist tenants sustain their tenancies and provide solutions to their debt management issues. The revised policy enforces this standpoint and offers tenants who do engage with us the assurance that we will seek solutions that are sustainable for them and for MDH.
- 2.6 MDH also work in partnership with agencies to facilitate the provision of independent advice to tenants about money management, debt, housing and welfare benefits.
- 2.7 Court action will be taken as a last resort when extensive efforts to engage a tenant have been exhausted. However, where tenant will not pay their rent and fails to engage, MDH will progress court action.
- 2.8 The revision of the existing Policy also includes further definition of responsibilities to ensure that all stakeholders are clear about accountabilities.
- 2.9 MDH will review this Policy every 5 years and as required to address legislative, regulatory, best practice or operational issues.

3 Preventative Measures

- 3.1 The most effective way for tenants to manage their money is not to get into debt in the first instance. MDH take preventative measures to reduce any arrears and prevent them from escalating. We take prompt and effective early action as needed, with an emphasis on early intervention, personal contact and supporting new tenancies to prevent arrears.
- 3.2 Tenants are contacted as soon as their rent account falls into arrears. They are expected to work with us as soon as there is a missed payment. All staff are trained in basic debt advice and can offer advice and assistance to any tenants falling into arrears, making arrangements with them to pay off the debt rather than seeking possession action where it is appropriate to do so.
- 3.3 When an offer of accommodation is accepted, the prospective tenant will be provided with clear information on their responsibility to pay rent on time, payment methods available to them, how to claim benefits for housing costs and the amount of rent and other charges payable.
- 3.4 Tenants will be given the opportunity to be signposted to agencies that provide financial and debt advice where it has been identified that they may need assistance.

4 Performance

- 4.1 As set out above, the year-end performance for 23/24 rent collection in the HRA (Housing Revenue Account) is 97.79%. This compares to 97.59% for 22/23.
- 4.2 This can be further compared using Housemark sector data for all RP types including councils for 23/24 year to date (February 2024). This sets out that average sector collection rates were 96.88% and upper quartile was 97.64% making MDH one of the best performing RPs nationally for income collection.
- 4.3 In context, with nearly 3,000 tenancies, just seven tenants (0.2%) were evicted on grounds of rent arrears during 23/24 where all forms of engagement ultimately failed to address significant non-payment and arrears.
- 4.4 This combination high collection rate versus a very low eviction rate highlight the effectiveness of current HRA income and tenancy management approaches as set out in the updated Policy.

5 Consultation

- 5.1 Tenants and members of the Homes PDG were invited to comment on the draft policy between 1st April and 30th April 2024 and no responses were received.
- 5.2 Partner organisations Citizens Advice Bureau (CAB), Navigate, and Churches Housing Action Team (CHAT) were also invited to comment on the draft policy

and no concerns were raised with broad support for the policy and practice set out.

- 5.3 Despite no response to the consultation from tenants, it is important that tenants are fully aware of the updated policy. To this end, should the policy be adopted, MDH will proactively signpost the policy on our webpages/Facebook pages and in the next tenant newsletter. Where relevant, particularly in relation to queries, service requests or complaints, we will also ensure specific tenants or other stakeholders are also aware of the updated policy as required.

6 Safeguarding and Vulnerable Tenants

- 6.1 MDH will continue to support and work closely with all tenants with arrears. Nonetheless, where a tenant is considered vulnerable, MDH will collaborate particularly closely with them to avoid possession action where possible, and each case will be referred to the Neighbourhood Team Leader Income and/or other (external) support services before any eviction order is sought.
- 6.2 Where a tenant has a protected characteristic (particularly disability), officers making decisions about taking possession proceedings will comply with the public sector equality duty. Officers taking decisions on possession proceedings will have received specific training on the duty and record their consideration in writing including all efforts to engage with the tenant and support services.

7 Recommendation

- 7.1 In accordance with the above, the following recommendation is made:
1. That the PDG recommends that Cabinet adopt the updated MDH Income Management Policy and Equality Impact Assessment contained in Annexes A and B respectively

Financial Implications

Rent collected is paid into the Housing Revenue Account for dwellings and garages/garage ground rent plots (GGRP) and car parking spaces. It is therefore important to maintain the revenue stream. However, as Council housing is designed to help those in housing need, there are many vulnerable people on low incomes living in our properties. As a result of this consideration must be given to individual circumstances when making decisions about tenancy enforcement action.

Legal Implications

The MDH tenancy agreement contains a clause which states that tenants are responsible for paying their rent and other charges on time. Rent is due on a Monday. The Housing Service offers tenants many different methods of payment and also

accepts payments on a weekly, fortnightly or monthly basis as long as rent is paid regularly.

Having a clearly defined policy ensures consistency of approach and ensures that no tenant or resident is treated any more fairly or unfairly than any other.

Risk Assessment

Rental income accounts for the large majority of MDH's income. High inflation and real terms wage reductions have increased financial pressure on households and could result in an increase in arrears. Frequently this rental income is supported by government benefits such as Housing Benefit or the housing element of Universal Credit. Changes to benefits policy and the administration of benefits can have implications for providers' rent collection. Failure to appropriately manage rent collection and arrears can ultimately impact MDH's financial viability putting wider tenancies and tenant well-being at risk.

MDH will need to continue to ensure rental income risks are appropriately managed and can demonstrate that the implications of any potential issues, stress testing against falls in income and establishing mitigations for this are understood.

Impact on Climate Change

This policy will have no direct or obvious indirect impact on climate change.

Equalities Impact Assessment

MDH has a collection of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. These are currently being reviewed with the aim of aligning them more closely with the Regulatory Standards.

Furthermore, there is a regulatory requirement for registered providers of social housing to tailor their services to meet the needs of tenants. MDH collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants and to enable compliance to be monitored.

Information provided by MDH is available in alternative formats, upon request, in order to ensure that all those living on our estates understand the rights and responsibilities of the Council as a landlord, and tenants and other residents, individually.

The Housing Ombudsman Service Complaints Handling Code which MDH adhere to also requires landlords to have an awareness of accessibility so residents are easily be able to access the complaints procedure via several routes.

The Equalities Impact Assessment for this policy attached to this report in Annex B.

Relationship to Corporate Plan

A stated aim of the Council is to deliver sustainable communities and support and grow active tenancy engagement.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Paul Deal
Agreed by or on behalf of the Section 151
Date: 31 May 2024

Statutory Officer: Maria De Leburne
Agreed on behalf of the Monitoring Officer
Date: 31 May 2024

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 15 May 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 24/05/2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

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Background papers:

Current Income Management Policy 2015
<https://www.middevon.gov.uk/media/114980/income-management-policy.pdf>

Social Housing (Regulation) Act 2023
<https://www.legislation.gov.uk/ukpga/2023/36/contents>

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Income Management Policy

This policy was produced in 2024 and is version 3.00

This policy was adopted by Cabinet on xxxx

Review Frequency: MDH will review this Policy every 5 years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Housing and Health is given delegated authority to make minor amendments to the Policy as required by legislative changes, formal guidance or local operational considerations (subject to separate PDG recommendation to Cabinet).

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1 Introduction

- 1.1 This policy sets out the principles and the overall approach Mid Devon Housing (MDH) takes to collect rent, service charges and other payments, prevent arrears, manage arrears and ensure that effective and appropriate action is taken to maximise income and reduce debt. The policy applies to all Social housing properties owned and managed by MDH, including properties let on tenancies, licenses and leases.
- 1.2 Proactive steps are to be taken to prevent and minimise the build-up of unpaid sums on rent and sub accounts where possible, recognising that from time to time tenants may experience financial difficulties. In these circumstances, Officers aim to support and work with tenants at the earliest opportunity to help tackle financial exclusion and to provide assistance to individuals experiencing financial difficulty.
- 1.3 MDH encourage tenants to contact us at the earliest opportunity if they are experiencing financial difficulty so that Officers can assist them to sustain their tenancies and keep their homes.

2 Aims and Objectives

Aims

- 2.1 To create a rent payment culture, ensuring that rent and charges are collected quickly and effectively, whilst supporting tenants in matters relating to financial inclusion and the ability to manage their money.
- 2.2 To sustain tenancies by offering a fair and balanced approach to the collection of rental income, and to ensure that early intervention measures are adopted in all instances.
- 2.3 Possession action should be used only where it is reasonable and proportionate to do so.

Objectives

- 2.4 That there is a robust income management process to ensure that we have a stable and secure Housing Revenue Account to allow us to provide the services to our customers.
- 2.5 To prevent rent arrears accruing.
- 2.6 To clarify the process for dealing with current tenant arrears.

- 2.7 To summarise the assistance MDH can provide for tenants to assist them with paying the rent and clearing their debts.
- 2.8 To prevent homelessness and promote tenancy sustainment.

3 Regulatory Framework and Context

- 3.1 Under the Transparency, Influence and Accountability Standard, the Regulator of Social Housing (RSH) requires all registered providers to provide tenants with information about landlord services which includes rents and service charges payable by tenants.
- 3.2 The Regulator of Social Housing (RSH) regard councillors as responsible for ensuring that providers' businesses are managed effectively and that providers comply with all regulatory requirements.
- 3.3 Social Housing (Regulation) Act 2023 has impacted the regulatory framework for social housing and introduced a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime was to ensure that providers of social housing, such as the Council treats its tenants with respect.
- 3.4 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how well their landlord is performing giving tenants a stronger voice.
- 3.5 As part of the new consumer regulation regime the RSH introduced a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measure include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants views on our performance.
- 3.6 The TSM's associated with this Policy are:
 - TP01 – Overall Satisfaction
 - TP08 - Agreement that the landlord treats tenants fairly and with respect
 - TP09 - Satisfaction with the landlord's approach to handling of complaints

4 Related Legislation and Relevant Policies

4.1 Legislation

- Pre-action Protocol for Possession claims by Social Landlords
- The Housing Act 1985/ 1988/ 1996
- Homelessness Reduction Act 2017
- Protection from Eviction Act 1977
- Equality Act 2010
- General Data Protection Regulation tailored by Data Protection Act 2018

- Welfare Reform Act 2012
- Human Rights Act 1998

4.2 Related Policies:

- Corporate Debt Collection Policy
- MDH Tenancy Agreement
- MDH Recharges Policy
- MDH Rent Arrears Management Procedures
- MDH Service Standards

5 Payment provisions

- 5.1 It is the responsibility of the tenant to pay their rent and charges on time even if they are in receipt of benefits.
- 5.2 Rent and charges are payable by the tenant 52 weeks of the year. Tenants who pay their rent weekly are required to pay on the Monday each week and tenants that pay fortnightly or monthly are required to pay in advance. Tenants need to ensure that the rent account does not accrue a debt through the weeks and months.
- 5.3 There are a number of methods by which tenants can make payments, for example direct debit, online payments (PayMyRent), automated telephone service, telephone calls to the office, Post Office or Payzone outlets. Deduction direct from salary is also an option for employees of MDDC. Tenants are also able to log into their MDH MyAccount for ease and convenience in understanding their rent account.
- 5.4 Officers will promote all payment options to tenants.

6 Prevention of arrears

- 6.1 MDH will take preventive measures to reduce arrears and prevent them escalating. We will take prompt and effective early action as needed, with an emphasis on early intervention, personal contact and supporting new tenancies to prevent arrears.
- 6.2 Tenants will be contacted as soon as their rent account falls into arrears. They are expected to work with MDH as soon as there is a missed payment. All staff are trained in basic debt advice and can offer advice and assistance to any tenants falling into arrears, making arrangements with them to pay off the debt rather than seeking possession action where it is appropriate to do so.

- 6.3 When an offer of accommodation is accepted, the prospective tenant will be provided with clear information on their responsibility to pay rent on time, payment methods available to them, how to claim benefits for housing costs and the amount of rent and other charges payable.
- 6.4 In order to build a payment culture, MDH will ask new tenants for one week, one fortnightly or monthly payment in advance which will be due on the day they sign up for their tenancy depending on their proposed payment frequency. This will encourage tenants to get into a habit of making sure their rent account is in advance to enable them to have a cushion on their account should their personal circumstances change.
- 6.5 Tenants will be given the opportunity to be signposted to agencies that provide financial and debt advice where it has been identified that they may need assistance.
- 6.6 Information will be provided about rent accounts through the issue of quarterly rent statements. Up-to-date statements can also be requested at any time.
- 6.7 All tenants will be advised of any changes to the rent or charges payable and reason for the changes; for example, we have a statutory duty to inform tenants 4 weeks in advance if we plan to increase their rent at the start of the new financial year.
- 6.8 Officers aim to reach an agreement (repayment plan) with the tenant to pay off any unpaid sums over a reasonable period of time. This must be both achievable for the tenant and acceptable to MDH.
- 6.9 MDH will work in partnership with other agencies to facilitate the provision of independent advice to tenants about money management, debt, housing and welfare benefits.
- 6.10 Where appropriate, and in cases of under occupation, Officers will assist tenants to make a Discretionary Housing Payment (DHP) claim to cover the shortfall in Housing Benefit or Universal Credit (UC). It is recognised that this is a short term solution and may not be approved in all cases so alternatives such as moving to smaller accommodation by registering with Devon Home Choice will be discussed with the tenant at the outset.
- 6.11 Where a tenant is considered vulnerable MDH will collaborate closely with them to avoid possession action where possible, and each case will be referred to the Neighbourhood Team Leader Income and/or other support services before any eviction order is sought.

7 Recovery of rent arrears

- 7.1 The recovery of arrears will be dealt with in accordance with MDH's Rent Arrears Management Procedures, with an emphasis on maintaining regular personal contact via telephone, letters and home visits throughout the recovery process. All contact made with a tenant will be recorded on our housing management system.
- 7.2 Current debt will not be written off and MDH will seek all options to recover the debt.
- 7.3 Tenants with significant rent arrears may be disqualified from registering for alternative housing through Devon Home Choice or be placed in the No housing need band (E). Please refer to the [Devon Homes Choice Policy](#) for full details.
- 7.4 Where a secure tenant requests a mutual exchange MDH will require payment of any rent arrears, or the remedying of any other breach of an obligation of the tenancy, as a condition of consent.
- 7.5 Where a secure tenant requests mutual exchange MDH may refuse consent on one of the statutory nine grounds. Two of the nine statutory grounds for refusal are:-
- Where the tenant or the proposed assignee is already under a court order to give up possession
 - Where proceedings for possession have commenced or a notice seeking possession has been served on specified grounds including rent arrears.
- 7.6 Where the two statutory grounds (set out in paragraph 7.5 above) apply MDH will refuse consent unless there are exceptional circumstances.
- 7.7 Personal contact allows Officers to gain a greater understanding of the circumstances of tenants who may be finding it hard to pay their rent or charges. Where necessary, text and email may be used as methods of contacting tenants.
- 7.8 Where a tenant is claiming the Housing Costs element of Universal Credit and they fall into arrears without communicating with us, we will request Direct Payments for rent and arrears as we do not need consent from the tenant to do this. Tenants will be advised that if they continue to remain in arrears then an application will be made to the Department of Works and pensions (DWP) to claim direct payments by way of alternative payment arrangements (APAs).
- 7.9 If a tenant is in receipt of Housing Benefit and falls into rent arrears, then MDH will ask for deductions to be made from other ongoing benefits in respect of the debt at the applicable rate.

- 7.10 Legal proceedings for possession will commence due to persistent arrears or the tenant does not make or adhere to an agreement to reduce the arrears. This action will be used where it is reasonable, proportionate and necessary to do so due to arrears recovery processes being exhausted.
- 7.11 Rent arrears cases are referred to the Neighbourhood Team Leader for Income, in order to review the case prior to applying to a court for possession or eviction and to ensure that the Officer managing the case has followed procedure and is acting reasonably and proportionately. Cases are discussed in detail and a decision is made whether or not the case should be referred to court.
- 7.12 MDH will ensure that all cases progressed to court comply with the Pre-action protocol for possession claims based on rent arrears and relevant statutory requirements.
- 7.13 Possession proceedings for rent arrears should not be started against a tenant who can demonstrate that –
- a) MDH or DWP have been provided with all the evidence required to process a housing benefit or universal credit (housing element) claim;
 - b) There is a reasonable expectation of eligibility for housing benefit or universal credit (housing element); and
 - c) They have paid other sums due that are not covered by housing benefit or universal credit (housing element)
- 7.14 MDH will offer to assist the tenant in any claim that the tenant may have for housing benefit, discretionary housing payments or universal credit (housing element).
- 7.15 MDH will make every effort to establish effective ongoing liaison with MDDC's housing benefit service / DWP and, with the tenant's consent, make direct contact with MDDC's Housing benefit service/ DWP before taking enforcement action.
- 7.16 MDH and tenants should work together to resolve any housing benefit or universal credit (housing element) problems.
- 7.17 If a support agency is involved they may attend the court hearing with the tenant's permission, to provide an update on their financial and other circumstances, as appropriate.
- 7.18 At all stages of the legal process the tenant will be informed of the reasons for the action and where they can seek support and advice. The information is provided on all arrears letters sent to the tenant.

- 7.19 During legal proceedings, Officers will request a Possession Order and any court costs will be recharged to the tenant. Where the court grants an Order for Possession, Officers will also seek to obtain a money judgement order, allowing future recovery of the debt after eviction.
- 7.20 It is the tenant's responsibility to notify MDH of any changes in their circumstances which may affect their ability to pay their rent.
- 7.21 Where a tenant holds an introductory tenancy and a Notice of Possession Proceedings has been served, they will have the right to have their case heard in front of an Appeals Panel where a senior Council Officer who has had no previous involvement in the case will adjudicate. If the tenant requests an oral hearing, she/he has the right:
- to submit a written defence if they cannot attend the appeal hearing;
 - to be heard and to be accompanied or to be represented by another person; and
 - to call any person to give evidence and ask them any questions relevant to the case.
- 7.22 MDH's policy is to pursue all former arrears except where to do so is not cost effective. In all cases, the prospects of potential recovery of any former tenant debt will be assessed initially, and cases will also be reviewed and monitored regularly together with cost of any legal action to ensure value for money. Prior to any unpaid sums being written off, Officers will carry out the relevant recovery actions before seeking approval to write off the debt.
- 7.23 Former tenant arrears will be pursued. Every effort will be made to trace and contact debtors and make an arrangement to recover the debt. Where the debt remains unpaid MDH may use debt recovery agencies or initiate proceedings through the County Court or small claims court to recover any unpaid sums. This may affect a tenant's credit rating.
- 7.24 When a tenant terminates their tenancy, Officers will make contact with the tenant prior to the tenancy ending to advise them of any amounts that need to be paid prior to termination. If it is not possible for the tenant to pay the balance in full, a repayment plan that is affordable and sustainable will be agreed.
- 7.25 Former tenants also will be signposted to where they can seek independent advice and support.
- 7.26 If there is an outstanding debt relating to a deceased tenant, the next of kin, administrator or executor will be notified that there will be a claim against the estate.
- ## 8 Recovery of other charges
- 8.1 MDH are responsible for recovering other charges, for example rechargeable repairs, court costs, sewage or alarm charges.

- 8.2 MDH will take into account tenant's disposable income and proportion any offer of arrangement across sub accounts excluding court costs which as per the court order need to be paid after the rent debt is clear under the same terms until paid in full.
- 8.3 If there is no outstanding arrears on the main rent account but there is an unpaid sum on a sub account then the tenant is expected to pay or make an arrangement to clear any amounts outstanding.
- 8.4 Where a customer owes a number of debts to MDH, Officers will ensure that that priority debts are always paid first. When a payment is made that payment will be credited to the accounts in priority order.
- 8.5 Payment of alarm charges are due weekly on time. When a tenant falls into arrears with their alarm charge and they have failed to engage with us or make an arrangement to clear any unpaid sums. They will be advised in writing that the alarm service will be removed from their property and they will be required to find alternative support.
- 8.6 No payment arrangements are available on garage, GGRP's or car parking spaces owned by MDH as per the individual tenancy agreements for these assets. Tenants will be served a notice to end the tenancy if they cannot maintain payment expectations as per their tenancy agreement.
- 8.7 There are some pieces of land on our estates which are let to third parties using Tenancies at Will agreement. If those leasing land from MDH fail to pay the appropriate charges, and fail to respond to requests to do so, then action will be taken to end the agreement. No payment arrangements are available for Tenancy at Will agreements.

9 Arrangements

- 9.1 When arrears are present, Officers will consider the circumstances of the tenant, their payment history, current financial situation and their ability to pay when agreeing a repayment plan. Income and Expenditure forms will be completed where possible. Alternatively, a tenant may work with a partner agency who will complete a common financial statement and this will be taken into account if passed MDH Officers. This is to ensure that the arrangement is affordable and manageable.
- 9.2 Tenants will be advised that court action may be taken to recover unpaid sums if regular payments are not made or an agreed arrangement is broken. In addition, if the debt is in excess of £1k MDH will seek to secure the debt through the court process to protect the Council's interests.

10 Claiming benefits and overpayments

- 10.1 It is the responsibility of the tenant to make a claim for benefit to cover their housing costs. It is important that tenants talk to Officers straight away if they experience benefit delays. Where a tenant is claiming the housing cost element of Universal Credit, MDH will provide the relevant paperwork to the tenant to support any claims they make.
- 10.2 For tenants claiming Housing Benefit it is ultimately their responsibility to resolve any issues with Housing Benefit teams but MDH and tenants should work together to resolve any housing benefit or universal credit (housing element) problems.
- 10.3 Joint tenants are 'jointly and severally' responsible for paying rent and any charges on time as well as any unpaid sums. This means that if one joint tenant does not pay, the other is fully liable. This will still be the case where Universal Credit is only paid to one member of the household, or where one joint tenant has left the property. Under no circumstances can MDH split the debt, as these are the conditions of a joint tenancy.
- 10.4 The rent arrears process will still be followed where there is a debt due to an outstanding benefit claim or delay. However, cases will be referred to the Neighbourhood Team Leader Income where a decision will be made whether or not court proceedings will commence. Where a tenant is entitled to benefit to cover their full rent and they have not been responsible for the delay and can satisfy us that they have provided all supporting evidence to support their claim, court proceedings will not commence.
- 10.5 Tenants are expected to pay any rent due which is not covered by benefits on time, every time.
- 10.6 Tenants are responsible for paying back any overpayment of benefit that covered their housing costs.

11 Insolvency Arrangements (Bankruptcy, Individual Voluntary Arrangements (IVA) and Debt Relief Orders (DRO)) and Breathing Spaces

- 11.1 Where a person has a DRO they cannot be made to make payments towards any debts included in it during the moratorium period of the order. At the end of the period those debts are written off, except for debts obtained by fraud.
- 11.2 A DRO lasts generally for 12 months, unless revoked or extended.

- 11.3 The existence of a DRO does not prevent the court from making a possession order against a tenant on the ground of rent arrears (or any other ground). Where the arrears are listed in a DRO, the court cannot suspend (or postpone) the possession order on terms of the payment of those arrears. In such circumstances MDH will consider seeking an outright possession order as a suspended order is not available because of the tenant's decision to seek a DRO. Factors that will influence the decision to seek an outright possession order are:
- Previous conduct of tenancy
 - Level of debt
 - Levels of engagement with landlord by tenant
 - Failure to adhere to agreements made
 - Failure to engage with other services, as appropriate
- 11.4 It should be noted the court can suspend an order for possession on the condition of payment of current rent and costs.
- 11.5 When a DRO is made after the making of a suspended possession order, the DRO will have the effect only to extinguish the judgment debt up to the making of the DRO, but not any subsequent arrears accrued during and after the moratorium period.
- 11.6 If a tenant is subject to a possession order suspended on condition of payment of rent arrears listed in an undischarged DRO, they can apply to the court to vary the order so that payment of the arrears is no longer a condition of the possession order. If the terms of the suspended order require payment of arrears up to the surplus income level (currently £75 per month), it does not have to be varied. The Insolvency Service will permit payments up to this level towards rent arrears to avoid the loss of a tenancy.
- 11.7 An individual voluntary arrangement (IVA) is a formal and legally binding agreement between debtor and his/her creditors to pay back their debts over a period of time. This means it's approved by the court and the creditors have to abide by it.
- 11.8 If a tenant owes rent, an IVA will not stop MDH taking action to evict in the case of rent arrears
- 11.9 Bankruptcy is another way for individuals to deal with debts they cannot pay.
- 11.10 Rent arrears are a bankruptcy debt. A landlord is not permitted to take action to recover arrears incurred before the bankruptcy.
- 11.11 If the rent arrears accrued after the bankruptcy order was made, the court can suspend or postpone an order for possession on payment of current rent and rent arrears as well as make an outright possession order.

11.12 MDH can obtain a money judgment for rent arrears and costs that were incurred after the bankruptcy order was made. This is the case whether the bankrupt has been discharged or not.

11.13 Normally, no payments can be made towards debts included in bankruptcy. MDH will require repayment of arrears to avoid possession action; in such circumstances the Insolvency Service has given some flexibility to repay arrears on an informal basis, to avoid the issue of a claim or enforcement of an existing possession order. Tenants can offer to pay a reasonable amount when bankrupt at the discretion of the Official Receiver. MDH insist tenants must pay a reasonable amount towards the arrears even in bankruptcy to avoid possession proceedings.

11.14 Tenants can explain to the Official Receiver that they will be less likely to be able to pay towards the bankruptcy debts and costs if they lose their home. This approach is confirmed in chapter 35 of the Insolvency Service internal guidance manual.

11.15 Under the Housing Act 1985 tenants cannot exercise their right to buy if they:

- have made a bankruptcy application that has not been determined
- have a bankruptcy petition pending against them
- are an undischarged bankrupt
- have made a composition or arrangement with their creditors the terms of which remain to be fulfilled
- is a person in relation to whom a moratorium period under a debt relief order applies (under Part 7A of the Insolvency Act 1986)

11.16 Where a tenant is bankrupt, the amount stated in the bankruptcy order is moved to a separate sub account.

11.17 The Debt Respite Scheme (Breathing Space) gives someone in problem debt the right to legal protections from their creditors. There are two types of breathing space:

- a standard breathing space
- a mental health crisis breathing space

11.18 A standard breathing space is available to anyone with problem debt. It gives the debtor legal protections from creditor action for up to 60 days. The protections include pausing most enforcement action and contact from creditors and freezing most interest and charges on their debts.

11.19 A mental health crisis breathing space is only available to someone who is receiving mental health crisis treatment and it has some stronger protections. It lasts as long as the person's mental health crisis treatment, plus 30 days (no matter how long the crisis treatment lasts).

11.20 A debtor who wishes to apply for a breathing space must do so via a debt advice provider (DAP).

11.21 Once a breathing space has started, MDH or anybody acting on MDH's behalf must not take any enforcement actions against the debtor, or anyone who is jointly liable with them, for a breathing space debt. This includes serving a notice seeking possession or issuing possession proceedings or take possession of a property let to the debtor having served such a notice prior to the start of the breathing space.

11.22 On receiving a notification of a breathing space MDH is required to take the following steps:

- As soon as reasonably practicable, MDH must carry out a reasonable search of their own records for debts owed to them by the debtor
- If the MDH's search identifies a debt owed to them by the debtor that is not included in the notification it has received, MDH must provide details of the additional debt to the DAP as soon as reasonably practicable. It is the DAP who will decide if the additional debt qualifies for the breathing space.

11.26 MDH must make sure it stops:

- the debtor having to pay certain interest, fees, penalties or charges for a breathing space debt during the breathing space
- any enforcement or recovery action to recover a breathing space debt, by MDH or any agent MDH appointed
- contacting the debtor to request repayment of a breathing space debt, unless MDH got permission from the court

11.23 If there are existing proceedings in a court or tribunal in relation to a breathing space debt at the time the MDH is notified of the breathing space, MDH must notify the court or tribunal in writing of the breathing space. Proceedings other than those relating to a bankruptcy petition can continue, but any order resulting from these proceedings may not be enforced by MDH without the court's permission.

11.24 The rules for breathing space are complex and Officers should read the government guidance at: <https://www.gov.uk/government/publications/debt-respite-scheme-breathing-space-guidance/debt-respite-scheme-breathing-space-guidance-for-creditors>

12 Public Sector Equality Duty

12.1 MDH in the exercise of its functions must have due regard to the need to:

- eliminate any form of unlawful discrimination (including direct or indirect discrimination, harassment, victimisation, and any other conduct prohibited under the Equality Act 2010 (the "Act"))
- advance equality of opportunity between people who share a relevant characteristic and people who do not

- foster good relations between people who share a protected characteristic and people who do not
- 12.2 The relevant protected characteristics are—, age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.3 The duty to have “due regard” means that MDH must demonstrate a “conscious approach” focusing on the “substance” of the duty with “vigour and an open mind”.
- 12.4 Due regard means such regard as it is appropriate in all the circumstances. The three aims of the general equality duty must be considered and reflected upon during the:
- decision-making process
 - design of policies (including internal policies)
 - delivery of services
- 12.5 Allegations of breach of s.149 are often deployed as part of a defence to a claim for possession.
- 12.6 Where a tenant has a protected characteristic (particularly disability) Officers making decisions about taking possession proceedings should comply with the duty. Officers taking decisions on possession proceeding must have received training on the public sector equality duty and record their consideration in writing.

13 Legal Action

- 13.1 Tenants will be referred to court to secure formally any amounts owing where they have failed to engage with us or keep to an arrangement. This is a serious step which puts their tenancy at risk and will result in the tenant having to pay for court costs.
- 13.2 Court action will be taken as a last resort when extensive efforts to engage a tenant have been exhausted. However, where tenant will not pay their rent and fails to engage, MDH will progress court action.
- 13.3 Procedures laid out by the Pre-Action Protocol for possession claims based on rent arrears will be followed by Officers when court action is being considered.
- 13.4 Where tenants are undergoing possession proceedings and fail to engage with MDH whilst their arrears are increasing we will consider eviction as a last resort. Officers will try to work with tenants to avoid this and involve Housing Options and other support agencies, as required. Officers will always advise anyone who has received an eviction date of their right to request a Stay of Execution.

- 13.5 In cases where the tenant has failed to keep to a court order and where it is deemed appropriate, repossession proceedings will be undertaken. Tenants will be encouraged to attend court and will be signposted to where they can seek independent advice and support.

14 Changing possession orders

- 14.1 A tenant may be able to request a possession order be varied. This will depend on whether or not the judge had a choice when making the possession order in the first instance, for example in some situations the judge has no choice about making an order and cannot change it once made, as long as the landlord followed the correct legal procedure to obtain the order. This applies to introductory or demoted tenancies. This means that if MDH have followed procedure and protocol the District Judge will have not option to award outright possession within 7, 14, 21 or 28 days.
- 14.2 Any application to the court to set aside a possession order, does not automatically stop the court bailiff carrying out an eviction. It is the responsibility of the tenant to request a stay of execution and offer new terms of arrangement. The Council may contest the offer and ask the District Judge to proceed with eviction, based on historical management of the tenant's account, breached arrangements or the level of debt.

15 Garage, Ground Rent Plot (GGRP) and Car Parking Space debt arrears

- 15.1 Tenancy Agreements for Garages, GGRP and Car Parking Spaces rented by MDH are non-secure tenancies.
- 15.2 Rents for Garages, GGRP's and Car Parking Spaces are collected in advance and are to be paid when due. No payment arrangements will be offered for these tenancies which default on rent due.
- 15.3 Garages – Tenants will be given 1 full weeks' notice to quit. If keys are not returned the tenant could be liable for the costs of replacing the lock if they have not paid the rent as required.
- 15.4 GGRP's and Parking Spaces – Tenants will be given 31 calendar days' notice to quit if they have not paid the rent as required.
- 15.5 If a tenant has been evicted from a garage, GGRP or car parking space due to non-payment of rent they will be unable to rent another garage, GGRP or car parking space for a period of 2 years.
- 15.6 If a tenant leaves any property or structure in or on a garage, GGRP or car parking space at the end of their tenancy they will be served notice to remove the goods within 31 calendar days after which time the item (s) will be disposed of in accordance with Section 41 of the Local Government (Miscellaneous Provisions) Act 1982.

16 Complaints

16.1 We try to get things right the first time and when we do, we would love people to let us know. It's great for us to receive positive comments or feedback, so if people wish to complement our staff for doing a great job, we would love to hear from them.

16.2 If things do go wrong the Council is committed to:

- Dealing with complaints and comments quickly and effectively; and
- Using complaints, comments and compliments to review and improve our services

16.3 When tenants contact us to tell us they are dissatisfied with the service we have provided, we will offer them the choice to have an informal conversation to see if we can put things right quickly, without the need for a formal investigation.

16.4 The Housing Ombudsman Service advise that a complaint must be defined as:

'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents'.

16.5 Where a tenant considers that the council has given a poor service or has got something wrong, they may tell a member of staff in the first instance. This does not need to be treated as a formal complaint (unless the complainant asks us to do so) and may be resolved 'there and then' by way of an apology or plan of action. Any comments provided will be used to take appropriate action, or give information.

16.6 If a tenant does not want to do this or is unhappy with the response, they may make a formal complaint, which can escalate from stage 1 or stage 2 if they are still not satisfied with the response. Having been through stages 1 and 2 and they are still not satisfied, the tenant may contact the Housing Ombudsman Service.

16.7 MDH's complaints procedure is detailed on the Council's website: [Feedback and Complaints](#)

17 Equality Impact Assessments

17.1 MDH complete an equality impact assessment each time we develop or review a policy, procedure or service. The assessment is to help us make sure our decision making is fair and does not present any barriers or disadvantage to customers from any protected group (including disability) under the Equality Act 2010.

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Equality Impact Assessment

Purpose of the Equality Impact Assessment process:

The Equality Act (2010) introduced the [Public Sector Equality Duty](#) (PSED) requiring public bodies to give due regard to the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity
- Foster good relations

Consideration must be given to the protected characteristics covered by the Equality Act (2010). Assessments should consider relevant evidence relating to persons with protected characteristics in relation to assessments of potential impact.

The purpose of an Equality Impact Assessment (EIA) is to ensure that policies, functions, plans or decisions (hereafter referred to as 'policy/ decision') do not create unnecessary barriers for people protected under the Act. Where negative impacts are identified these should be eliminated or minimised, and opportunities for positive impact should be maximised. An EIA is not required for a decision in relation to an individual.

Screening is a short exercise to determine whether a policy/ decision is relevant to equalities, and if so, whether a full EIA should be conducted.

Section 1: Equality Impact Assessment Screening

Title and description of the policy/ decision:	Revised MDH Income Management Policy
Job title of the person(s) undertaking the assessment:	MDH Policy Officer
Council service:	Mid Devon Housing
Date of assessment:	
What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?	
<p>This policy sets out the principles and the overall approach Mid Devon Housing (MDH) takes to collect rent, service charges and other payments, prevent arrears, manage arrears and ensure that effective and appropriate action is taken to maximise income and reduce debt. The policy applies to all properties owned and managed by MDH, including properties let on tenancies, licenses and leases.</p> <p>Aims</p> <p>To create a rent payment culture, ensuring that rent and charges are collected quickly and effectively, whilst supporting our tenants in matters relating to financial inclusion and the ability to manage their money.</p> <p>To sustain tenancies by offering a fair and balanced approach to the collection of rental income, and to ensure that early intervention measures are adopted in all instances.</p> <p>Possession action should be used as a last resort, and only where all other methods of intervention have failed.</p> <p>Objectives</p> <p>That there is a robust income management process to ensure that we have a stable and secure Housing Revenue Account to allow us to provide the services to our customers.</p> <p>To prevent rent arrears accruing.</p> <p>To clarify the process for dealing with current tenant arrears.</p>	
Who may be affected by the policy/ decision?	All tenants
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise	<p>Consultation exercise was undertaken between 1st April 2024 – 30th April 2024 which included:</p> <ul style="list-style-type: none"> • Tenants • Members of the Homes PDG • Citizens Advice Bureau (CAB) • Churches Housing Action Team (CHAT)

Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/ decision?	MDH reviews its practices as lessons learned when dealing with complaints raised by tenants		
To which part(s) of the Public Sector Equality Duties is the policy/ decision relevant:			
	Yes	No	Details
1. Eliminate unlawful discrimination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Having a clearly defined policy ensures consistency of approach and ensures that no tenant or resident is treated any more fairly or unfairly than any other.
2. Advance equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	
3. Foster good relations between different groups	<input type="checkbox"/>	<input type="checkbox"/>	

Which of the protected characteristics is the policy/ decision relevant to?

Tick and briefly describe any likely equalities impact (positive, negative, or neutral)

Characteristic	Positive	Negative	Neutral	Comments
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy/ maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage and Civil partnership*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

*Applies only to Employment and the duty to give regard to the elimination of discrimination.

Decision by Corporate Manager to recommend this policy/ decision for an Equality Impact Assessment?

Yes/ No

If the answer is “Yes”, please continue to the Section 2 and complete the Equality Impact Assessment. If the answer is “No”, please give a brief reason here.

No adverse impacts on protected characteristics. Proportionate and reasonable approach debt recovery and possession within legislative boundaries.

Simon Newcombe
Head of Housing and Health

EIA Screening Complete

Section 2: Equality Impact Assessment

Evidence and Consultation

What existing sources of information have you gathered to help identify how people covered by the protected characteristics may be affected by this policy/ decision? E.g. consultations, national or local data and/or research, complaints or customer feedback. Please identify any gaps in the available information that might make it difficult to form an opinion about the effect of the policy on different groups.

MDH has a collection of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. These are currently being reviewed with the aim of aligning them more closely with the Regulatory Standards.

Furthermore, there is a regulatory requirement for registered providers of social housing to tailor their services to meet the needs of tenants. MDH collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants and to enable compliance to be monitored.

Where a tenant is considered vulnerable MDH will collaborate closely with them to avoid possession action where possible, and each case will be referred to the Neighbourhood Team Leader Income and/or other support services before any eviction order is sought.

Our electronic housing management system has been programmed to ensure that Officers are prompted to take action in cases where there is unpaid rent, in line with policy and other legislative requirements. The prompts suggest escalating action. Dependent upon circumstances. Officers have been instructed to record all action taken on the system. This ensures that cases are dealt with objectively ensuring that all tenants with housing-related debt are dealt with fairly in an open and transparent way.

Please complete this table for all the Protected Characteristics. If you have identified any negative impacts you will need to consider how these can be justified or where possible mitigated either to reduce or remove them. (Please add rows where needed)

Potential Impacts/ Issues Identified/ Opportunities identified	Mitigation required (action) or Justification	Lead Officer and target completion date	What is the expected outcome from the action?
Sex			
No Impacts/Issues or opportunities identified			
Age			
No Impacts/Issues or opportunities identified			
Disability			
No Impacts/Issues or opportunities identified			
Religion or Belief			
No Impacts/Issues or opportunities identified			
Race			
No Impacts/Issues or opportunities identified			
Sexual Orientation			
No Impacts/Issues or opportunities identified			
Gender Reassignment			

No Impacts/Issues or opportunities identified			
Pregnancy/ maternity			
No Impacts/Issues or opportunities identified			
Marriage and Civil partnership (Applies only to Employment and the duty to give regard to the elimination of discrimination)			
Not applicable			

Please provide details of arrangements to monitor and review the policy/ decision and any mitigating actions or actions to promote equality:

The policy is due for review every 10 years. There were no mitigating actions to be taken to promote equality.

Please state where the EIA will be published (e.g. on the Mid Devon District Council website):

MDH Website

=====

Equality Impact Assessment Sign off

For completion by Corporate Manager

Are you prepared to agree and sign off the EIA?

Yes **No**

If "No", provide details of why and next steps:

Name:

Job Title:

Date:

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Report for: Homes Policy Development Group

Date of Meeting: 11 June 2024

Subject: **AMENDMENTS TO MID DEVON HOUSING (MDH) HOME SAFETY POLICY**

Cabinet Member: Cllr Simon Clist Cabinet Member for Housing and Property

Responsible Officer: Simon Newcombe – Head of Housing and Health

Exempt: None

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All

Enclosures: None

Section 1 – Summary and Recommendation(s)

The MDH Homes Safety Policy was adopted by Council on 21st February 2024 after recommendation by Homes PDG and Cabinet (see link to the full policy in Background Papers). There is now a requirement to add a further clause to the Policy stating that Bioethanol fires/space heaters are not permitted to be used in MDH stock.

Furthermore, since the policy was drafted, the Government White Paper on regulatory reform in the sector has also been implemented with new legislation where it is beneficial to reflect this an additional Policy amendment. Finally, internal structure changes and job titles relevant to overarching health and safety duty under the new housing legislation have been confirmed which should also be reflected in an amendment to the Policy.

Recommendation:

That the PDG recommends that Cabinet adopt the amended Policy as set out in section 1.6, 1.10 and 1.15 within the report.

Section 2 – Report

1 Policy amendments

Bioethanol fires/space heaters

- 1.1 Bioethanol fires/space heaters can be a good solution for some but they are not currently regulated for installation. Unfortunately, if they are not installed correctly they can be hazardous and pose a danger to tenants and to our stock.
- 1.2 Furthermore, Bioethanol fuel is highly flammable, cannot be extinguished by water and, where water or water based extinguishers are used in the home by the tenant, this may inadvertently worsen the fire risk to occupants and neighbouring properties.
- 1.3 The use of these appliance requires minimum room size requirements due to carbon dioxide release. These requirements are not widely understood or always assessed correctly.
- 1.4 There are further risks associated by proximity to non-heat resistant materials.
- 1.5 MDH therefore do not advocate the use of these appliances however have recently identified use by tenants. The policy position on their use requires additional clarity and strengthening.
- 1.6 The following Policy changes are therefore proposed:
 - Change Policy Section 13 heading to ‘*Solid Fuel and Bioethanol Heaters*’
 - Insert new clause 13. 7 – ‘*For safety reasons, MDH will not give permission for Bioethanol appliances to be installed and where they are found in properties we will request that they are removed*’.
- 1.7 Informing tenants - if the amendment is approved MDH will utilise its tenant involvement and engagement team run a specific campaign to make all tenants aware of the risks and the new prohibition. This will work across multiple channels and different mechanisms to ensure maximum awareness.

Legislative changes

- 1.8 The proposed statutory Safety and Quality standard (one of four consumer standards published by the Regulator of Social Housing) has now been finalised and is no longer a draft document.
- 1.9 With the Social Housing (Regulation) Act 2023 gaining Royal Assent and a number of provisions having been implemented on 1 April 2024 then legislative

references within the policy requirement amendment and a clause referencing the Social Housing White Paper is no longer valid.

1.10 The following Policy changes are therefore proposed:

- Update all Policy references to '*Social Housing (Regulation) Act 2024*' where applicable.
- Delete clause 3.5 entirely to remove reference to the Social Housing White Paper and renumber subsequent clauses within the section as required

Appointment of designated Health and Safety lead by registered providers

1.11 Section 10 of the Social Housing (Regulation) Act 2023 requires registered providers of social housing such as MDH to appoint an executive level employee to hold an overarching duty regarding the safety of their properties and tenants.

1.12 This person must be notified to both the Regulator of Social Housing and our tenants by June 2024 (completed). The duty is specific to MDH properties only (i.e. does not cover general fund buildings and assets) and covers all health and safety risks, for example – fire, gas, electrical, asbestos and legionella safety alongside all other category one hazards defined under the government's Housing Health and Safety Rating System (HHSRS). This person will further appoint technically competent, responsible persons to ensure appropriate assessments and appropriate practice is put in place day to day.

1.13 This requirement came into force on 1 April 2024 and whilst the general provision is reflected in Section 5 of the current Policy, the duty holder should be set out clearly within the Policy once appointed internally. This appointment has now been confirmed and forms part of the key accountabilities of the Head of Housing and Health.

1.14 The current Policy specifically reflects current corporate health and safety policy regarding roles that are no longer the duty holders for legionella/water safety in the housing stock and these references should be removed. The corporate health and safety policy provisions will also need to be updated separately through the Health and Safety Committee for consistency and to reflect updated duty holders regarding non-housing property and assets.

1.15 The following Policy changes are therefore proposed:

- Add clause 5.4 – '*The appointed Designated Health and Safety Lead for MDH under this legislation is the Head of Housing and Health*'.
- Delete clause 11.6 to remove references to the previous corporate legionella duty holder and strategic lead. Retain reference to a Responsible Person and duties but delete previous role and refer to '*Role appointed by Designated Health and Safety Lead*'. Renumber subsequent clauses within the section as required

Financial Implications

This report on its own does not give rise to any financial implication but implementation of the activities set out in the Policy will have cost implications.

However, these will either be met from existing resources and funding or require separate business cases and appropriate approval to progress.

The Council's HRA revenue and capital budget/MTFP 2024-28 supports the activities required to maintain the Council's housing stock.

Legal Implications

The policy ensures that MDH fully complies with its statutory obligations and that the safety of its residents is safeguarded. The policies, management plans and procedures assist MDH in discharging its statutory duties associated with landlord compliance. Failure to comply with these duties could result in formal prosecution being brought against MDH as a landlord e.g. potential of a corporate manslaughter case for the most serious of breaches.

Risk Assessment

The biggest risk is that the policies are not embedded in working practices or that tenants and leaseholders are not aware of the risks. These risks are mitigated by tracking our performance against targets, by regular campaigns on health and safety and by the internal management plans which provide staff and contractors with clear instructions on how to comply with the policy.

Impact on Climate Change

The correct functioning of gas and electrical systems reduce the impact of the systems on the environment through efficient operation. Having good knowledge of the condition of our systems allows planning for their replacement when appropriate times with more efficient upgrades that benefit the environment and our tenants.

Equalities Impact Assessment

Mid Devon Housing collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants. Our housing estates must be accessible to those with disabilities and we have in place a regular schedule of inspections to ensure that all safety issues are identified and rectified as soon as possible. Information provided by MDH is available in alternative formats, upon request, in order to ensure that all those living on our estates understand the rights and responsibilities of the Council as a landlord, and tenants and other residents, individually.

An equality impact assessment (EIA) was recently completed as part of the original Policy adoption. None of the relatively minor, largely legislative changes being proposed here require the EIA to be updated or impact on any protected characteristics in any way.

Relationship to Corporate Plan

This policy is a regulatory requirement of MDH and does not directly align with any of the specific current Corporate Plan targets. However, it is consistent with one of the overarching aims of the Plan which is to have sustainable and prosperous communities.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Paul Deal

Agreed by or on behalf of the Section 151

Date: 31 May 2024

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 31 May 2024

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 13 May 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 22/05/2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe, Head of Housing and Health or Mike Lowman, Operations Manager for Building Services

Email: snewcombe@middevon.gov.uk / mlowman@middevon.gov.uk

Telephone: 01884 255255

Background papers:

<https://www.middevon.gov.uk/media/355792/homes-safety-policy-v10-final.pdf>

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Report for: Homes Policy Development Group

Date of Meeting: 11th June 2024

Subject: **DELEGATED DECISIONS FOR MID DEVON HOUSING (MDH) POLICIES WITH MINOR AMENDMENTS**

Cabinet Member: Cllr Simon Clist Cabinet Member for Housing and Property

Responsible Officer: Simon Newcombe – Head of Housing and Health

Exempt: None

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All

Enclosures: Annex A – Homes PDG Policy Framework

Section 1 – Summary and Recommendation(s)

Due to legal requirements including the new consumer regulation regime for social housing providers, the MDH housing policies framework is one of the most extensive in the Council. This new regulatory regime means policies are must be under an accelerated period of review to reflect the current legal position.

Currently all changes or amendments to current MDH Policies however minor or necessitated by legislation and statutory guidance changes (for example the updated consumer standards published by the Regulator of Social Housing) must be presented to the Policy Development Group for recommendation to Cabinet.

The current process of approving all MDH policy changes can mean that there are significant delays to implementing policy amendments and demonstrated to the Regulator and our tenants that MDH policies are current and aligned with the new regulatory regime. This can take away key policy discussion times at PDG or Cabinet

for new or significantly updated policy changes where the key oversight and focus should be. With such an expansive policy framework requiring review and fewer PDG meetings annually, making best use of member's time is all the more important.

In line with other Council services, such as Licensing and Regulatory, MDH is requesting a change to current process so that minor or legally required changes can be delegated to the Head of Housing and Health (in consultation with the Cabinet Member for Housing).

Examples of minor or legally required changes are set out below for context.

Recommendation(s):

- 1. That the PDG recommends to Cabinet that Head of Housing and Health is given delegated authority to make minor amendments to current MDH Policies as listed in Annex A in consultation with the Cabinet Member for Housing & Property Services) as required by legislative changes, formal guidance or local operational considerations.**
- 2. That the PDG recommends to Cabinet that Head of Housing and Health is given delegated authority to make minor amendments to new MDH Policies as listed in Annex A or developed in due course following first adoption, in consultation with the Cabinet Member for Housing & Property Services) as required by legislative changes, formal guidance or local operational considerations.**

Section 2 – Report

1 Introduction

- 1.1 Currently any change to a Policy must be presented to the Policy Development Group for recommendation to Cabinet.
- 1.2 Where minor amendments are required these could be delegated so to enable best use of member time and focus on policy development.
- 1.3 The revised approach will also expedite a challenging policy review programme triggered by the new regulatory and consumer standards changes.
- 1.4 All significant policy updates and new policies will continue to be presented to the PDG and Cabinet (and Council where relevant) for full consideration. They will also be subject to full tenant consultation. Annex A provides the current Homes PDG Policy framework and details all policies due to come before the PDG/Cabinet in 2024-2025.
- 1.5 A record of all delegated decision making will be held including consultation with the Cabinet member.
- 1.6 In addition to normal communications around major policy changes, all policies subject to minor updates will be published on the MDDC MDH webpages and tenants will also be notified through existing communication channels e.g.

social media, quarterly newsletters and case-by-case as policy implementation requires.

- 1.7 Separate arrangements are also in place to notify all relevant MDH staff through a combination of engagement on the policy change and notifications of policy changes in a central policy library.

2 Example delegated policy changes

2.1 Examples of minor amendments where delegated powers could be used:

- Changes to job titles, especially where these apply to specific roles within policies
- The current revision of the Homes Safety Policy presented at this meeting due to clarification on the use of Bioethanol fires/space heaters and naming of the legally required health & safety duty holder under the Social Housing Regulation
- The revision of the Garages, GGRP and Car Parking Spaces Policy because of changes to the VAT rules
- Changes to mandatory Consumer Standards titles by the Regulator of Social Housing
- Revisions to current legislation which place an absolute duty to do or have regard to something where current policy is in conflict
- Revisions to operational processes due to process improvements

Financial Implications

There are budgets in the Housing Revenue Account to support effective housing management. This includes budgets for policy development and implementation to ensure that our statutory and regulatory obligations are met.

Legal Implications

MDH must ensure that its published policies are up to date and compliant to current legislation. This includes the ability to swiftly make changes as required by legislative changes, formal guidance or local operational considerations.

Delays to implementing legally required changes pose a risk to the Council.

Risk Assessment

Failure to have up to date policies in place would put the Council in breach of the regulatory framework. Failure to have adequate arrangements in place for managing changes to policies could result in the Council failing to meet its statutory and contractual obligations.

Impact on Climate Change

This decision will have no direct or obvious indirect impact on climate change.

Equalities Impact Assessment

MDH has a collection of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. These are currently being reviewed with the aim of aligning them more closely with the Regulatory Standards.

Furthermore, there is a regulatory requirement for registered providers of social housing to tailor their services to meet the needs of tenants. MDH collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants and to enable compliance to be monitored.

Information provided by MDH is available in alternative formats, upon request, in order to ensure that all those living on our estates understand the rights and responsibilities of the Council as a landlord, and tenants and other residents, individually.

The Housing Ombudsman Service Complaints Handling Code which MDH adhere to also requires landlords to have an awareness of accessibility so residents are easily be able to access the complaints procedure via several routes.

Relationship to Corporate Plan

There is no direct link to this change and the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Paul Deal

Agreed by or on behalf of the Section 151

Date: 31 May 2024

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 31 May 2024

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 13 May 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 24 May 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe, Head of Housing and Health

Email: snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers: None

ANNEX A – Homes PDG Policy Framework 2024 onwards

CURRENT POLICY NAME	RESPONSIBLE OFFICER	STATUS	APPROVED	Next Formal Review Date
The Neighbourhood and Community Standard				
ASB Policy	Head of Housing and Health	Live on Website	2023	Jan-25
Hoarding Policy	Head of Housing and Health	Live on Website	2019	Sept 2024
Domestic Abuse Policy_NEW	Head of Housing and Health	In development - recommendation for HPDG, Cabinet and Council for first adoption	-	Mar 2025
CCTV Policy	Head of Housing and Health	Live on Website	2022	2027
Garage, GGRP and Car Parking Spaces Policy	Head of Housing and Health	Live on Website	2024	2029
Hoarding Policy	Head of Housing and Health	Live on Website-being reviewed	2019	Sept 2024
Neighbourhood Management Policy	Head of Housing and Health	Live on Website	2023	2027

Pets and Animals Policy	Head of Housing and Health	Live on Website	2024	2029
The Transparency, Influence and Accountability Standard				
Tenant Compensation Policy	Head of Housing and Health	Live on Website	2021	Dec-24
Service Standards	Head of Housing and Health	Live on Website	2016	Dec-24
Income Management Policy	Head of Housing and Health	Live on Website - being reviewed	2015	Jun-24
Data Policy_NEW	Head of Housing and Health	In development - recommendation for HPDG, Cabinet and Council for first adoption	-	Mar-25
Safeguarding Policy_NEW	Head of Housing and Health	In development - recommendation for HPDG, Cabinet and Council for first adoption	-	Mar-25
Vulnerability Policy	Head of Housing and Health	Live on Website	2022	2026

The Safety and Quality Standard				
Repairs & Maintenance Policy_NEW	Head of Housing and Health	In development - recommendation for HPDG, Cabinet and Council for first adoption		Aug-24
Asset Management Policy_NEW	Head of Housing and Health	In development - recommendation for HPDG, Cabinet and Council for first adoption		Aug-24
Homes Safety Policy	Head of Housing and Health	Amendment recommendation with Homes PDG June	2024	2029
Damp and Mould Policy	Head of Housing and Health	Live on Website	2023	2028
Aids and Adaptions Policy	Head of Housing and Health	Live on Website	2021	2026
Improvements to Council Property Policy	Head of Housing and Health	Live on Website	2020	2025
Recharges Policy	Head of Housing and Health	Live on Website	2023	2028

Voids Management Policy	Head of Housing and Health	Live on Website	2022	2027
Asbestos Management Plan	Head of Housing and Health	Live on Website	2022	2024
The Tenancy Standard				
Tenancy Management Policy	Head of Housing and Health	Live on Website	2022	Nov 2024
Tenancy Agreement	Head of Housing and Health	Live on Website	2016	Nov 2024
Right to Buy Policy_NEW	Head of Housing and Health	In development - recommendation for HPDG, Cabinet and Council for first adoption		Sept -24
Tenancy Fraud Policy_NEW	Head of Housing and Health	In development - recommendation for HPDG, Cabinet and Council for first adoption ent		
Allocations Policy	Head of Housing and Health	Live on Website	2022	2026

Decant Policy	Head of Housing and Health	Live on Website	2022	2026
Tenancy Inspections Policy	Head of Housing and Health	Live on Website	2023	2028

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Report for: Homes Policy Development Group

Date of Meeting: 11th June 2024

Subject: **FINAL REPORT OF THE TENURE REFORM WORKING GROUP**

Cabinet Member: Cllr Simon Clist Cabinet Member for Housing and Property

Responsible Officer: Simon Newcombe – Head of Housing and Health

Exempt: None

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All

Enclosures: Annex A – Final Report of the Tenure Reform Working Group

Section 1 – Summary and Recommendation(s)

The Homes PDG tasked the Tenure Reform Working Group to investigate the continued use of Flexible tenancies for all properties and whether this type of tenure is beneficial for Mid Devon Housing (MDH) and tenants. The Working Group were asked to consider whether a change to the current tenure offerings required updating and if so what types of tenure should be offered to tenants in the future.

Recommendation(s):

The Working Group recommends that the Homes PDG recommends to Cabinet that:

- 1. The use of flexible tenancies be halted**
- 2. All current flexible tenancies are moved to secure tenancies**

The Working Group makes a further recommendation to the Homes PDG:

- 3. To establish a Working Group to look at ways in which MDH could incentivise tenants to downsize to smaller homes when required.**

Section 2 – Report

1 Introduction

- 1.1 The Council has been using flexible tenancies since 8 April 2013. The need to “make best use of the housing stock” influenced the decision to introduce this form of tenure. However, there was also support for the view that social housing should be available to those who need it the most at the time when they need it the most; meaning that it is there as a safety net for those in housing need, offering a “helping hand” to enable them to get into a position whereby they can resolve their housing needs in a different way at the end of the fixed term.
- 1.2 Currently, the majority of those tenants who have never previously held a social housing tenancy are issued with introductory tenancies lasting a year which can be extended in certain circumstances as set out in our introductory tenancy policy. They are then usually issued with a flexible tenancy lasting 5 years so in effect will have a right to reside in their new home for a period of 6 years after first moving in. However, in some circumstances, tenants will be issued with a tenancy for a shorter fixed term of 2 years. In line with our Tenancy policy, this may be where the tenancy is offered as part of a specific scheme or programme where a shorter tenancy term might be appropriate; or in circumstances that are determined by a Service Manager of the Council as being exceptional. These may include a history of anti-social behaviour, non-payment of rent or if there is a change in household profile, income or circumstances expected.
- 1.3 The rationale used in Mid Devon in support of the use of flexible tenancies was related to a desire to make best use of the housing stock. In our District, there is an aging population and this was reflected in the diversity of the tenants in our homes. There were levels of under-occupation and the aim of the new strategy was to increase turnover in order to ensure that the supply of homes was increased. Later on, welfare reform became a significant driver in relation to this aim and the Devon Home Choice policy now gives priority to those wishing to downsize, thereby supporting the aim of making best use of the housing stock.

2 Management of Flexible Tenancies

- 2.1 There is an administrative burden associated with the use of flexible tenancies. These tenancies need to be monitored carefully at the beginning and then they need to be reviewed in line with the provisions of the legislation before a decision can be made not to renew one.

- 2.2 A court can only refuse possession if the correct procedure has not been followed by the landlord or if the court is satisfied that the decision not to grant another tenancy was otherwise “wrong in law”.
- 2.3 If the tenant refused to vacate the property, the landlord must commence possession proceedings. Therefore, the review procedure must be lawful and Officers need to ensure that they do everything in the timescales expected and in line with published policy.
- 2.4 Tenants have a right to a review of the decision to end the flexible tenancy.
- 2.5 Very few flexible tenancies are not renewed on the basis that frequently it is difficult to prove that the circumstances of the tenants have changed to such an extent that they should not remain in social housing. Experience has shown that any decision not to renew tends to result in requests for appeals and challenges from Ward Members and support agencies which are resource intensive to manage.
- 2.6 A Neighbourhood Officer explained to the Working Group that a majority of the reviews saw no change in the tenant’s circumstances and the tenants were renewed onto another 5 year fixed term (flexible) tenancy. There had been issues with tenants not wanting to engage with the review process and this meant that in some circumstances the deadline to serve notice were missed and the tenant was put onto a periodic (secure) tenancy anyway by default.
- 2.7 Members were informed that a flexible tenancy did not guarantee that larger properties would be handed back into circulation any quicker than a secure tenancy if the property was found to be under occupied at review stage. It also had to be acknowledged that the Devon Home Choice Policy gave priority for people to be able to downsize if this was required.
- 2.8 Members were also informed that some tenants who had been found to be over the income threshold at review stage had then exercised their right to buy and the properties had subsequently reverted to private ownership.

3 Statistical Information

- 3.1 Members noted a number of statistics relating to flexible tenancies and the review process. It was noted that at 31 December 2023, there were 473 fixed term tenancies, of which 19 were of two year duration. MDH has approximately 3,000 units. In the period between April 2013 and 31 December 2023, 1049 flexible tenancies had been issued, with 45 of these being of two year duration.
- 3.2 187 flexible tenancies had expired and had converted automatically to periodic ones as a result of resourcing issues during and after the pandemic.
- 3.3 It was noted that in April 2019, the time needed to review each flexible tenancy was calculated as being between 5 and 6 hours for each case, as an average. The impact on the workloads of individual team members was reviewed and it was noted that there were 112 flexible tenancy reviews to be completed up until the end of December 2024. It was noted that for one particular Officer, this

would result in him having to spend 76 hours reviewing 19 cases on his patch, meaning that it would take a minimum of two weeks during the rest of the year for him to review the flexible tenancies where this was required on his patch until the end of this calendar year.

3.4 The Working Group considered statistics which demonstrated that the average debt accrued by someone with a flexible tenancy is much higher than that accrued by someone with a secure tenancy. For both secure and flexible tenancies, most evictions are actioned on the grounds of rent arrears.

3.5 The Working Group were given the breakdown of the current housing stock:

Stock as at 11-03/2024

Bedsit	4
1 Bedroom	803
2 Bedroom	1236
3 Bedroom	873
4 Bedroom	38
5 Bedroom	1
6 Bedroom	1

Total	2956
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4 Rationale for Recommendations

4.1 The use of flexible tenancies had not brought benefits for either tenants or MDH. Since the introduction of flexible tenancies in 2013 the social and economic factors had changed. In reality, tenants were not able to move onto home ownership or into private rented accommodation due to the costs involved and therefore tenants who qualified for social housing would usually need to receive this for life.

4.2 Flexible tenancies can be difficult to manage due to issues relating to the drafting of the regulations relating to them which were not always very clear. There were some particular difficulties associated with the management of such tenancies as a result. For example, seeking possession of a property on the grounds of anti-social behaviour can be challenging in a case where a tenant has a flexible tenancy because the Registered Provider (RP) cannot accept rent once the appropriate notice of impending possession action has been served.

4.3 Members acknowledged that there were currently limited numbers of smaller properties that people were able to downsize to but that the Council's committed development program was due to deliver 500 additional social housing units with majority of these being 1 or 2 bedroomed homes. Members were keen to explore introducing incentives to encourage tenants who were

under occupying to downsize and so enable larger homes to be released for needy families.

5 Tenant Consultation

- 5.1 Over the last 4 months we have been engaging with tenants to gain insight into their thoughts on flexible tenancies and whether or not we should continue using them.
- 5.2 At the end of November 2023, we published a page on our engagement hub, Let's Talk Mid Devon. This page included all the information a tenant would need to help inform them of the project. Tenants could take part in a poll or include a forum response. This was regularly shared on social media over the last 4 months and was visited by 269 people.
- 5.3 The project was also shared in our Winter Newsletter inviting tenants to take part and have their say. They were directed to Let's Talk Mid Devon and encouraged to meet with Officers in person.
- 5.4 In early January 2024, our weekly Community Cuppa in Tiverton hosted an informal focus group with attendees. They were asked a series of questions and expressed their views on flexible tenancies.
- 5.5 Towards the end of January and throughout February we also hosted a series of Housing Matters events in Tiverton, Crediton, Cullompton, Hemyock and Lapford. These were offered as drop in sessions for tenants who could pop by and have their say. Those that attended these events also took part in the same poll that was published online and so all responses to this poll have been combined.

6 Safeguarding and Vulnerable Tenants

- 6.1 MDH records details of all vulnerable tenants in able to support their needs. This includes making reasonable adjustments in dealing with vulnerable tenants so that they are comfortable when we interact with them.
- 6.2 Responses from tenants responding to the consultation showed that tenants with vulnerabilities felt fear, anxiety and stress going through the flexible review process which usually ended up with them having their flexible tenancy renewed anyway.

Financial Implications

There is an anticipated saving that will materialise in the MTFP relating to the ending of fixed-term tenancies for some properties. This is because there is a significant administrative process to follow to manage Fixed Term tenancies, and therefore has meant scarce staffing resource has been diverted away from more pressing management tasks within the Council's own Housing service. The redirecting of scarce staffing resource to more a positive/interventionist utilisation of that resource is anticipated to better support proactive demand management and reduce administrative burdens for the council and their partners.

Legal Implications

The Housing Act 1985 applies with regard to the management of Council housing. The relationship with tenants is set out in our Tenancy Agreement. This details the rights and responsibilities of both parties including those obligations relating to repairs. The tenancy agreement also takes account of other relevant legislation including that which amended the original Housing Act, the Localism Act 2011 and the Anti-Social Behaviour, Crime and Policing Act 2014. There is a legal obligation to consult tenants with regard to any changes which MDH wishes to make to the Tenancy Agreement.

The Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, as operated by the Regulator for Social Housing (RSH), requires registered providers of social housing (RPs) such as MDH, to ensure that tenants are given a wide range of opportunities to influence and be involved in the formulation of their landlord's housing-related policies and strategic priorities; agreeing local offers for service delivery.

Risk Assessment

It is good practice to review tenancy agreements on a regular basis to take account of changes to legislation, regulatory requirements, policy and good practice. RPs also need to ensure that those responsible for housing management can rely on a robust tenancy agreement which can be used in support of efficient and effective management of tenancies and the housing stock.

Impact on Climate Change

The Housing Act 1985 requires local authority landlords to undertake consultation and also to print out various documents and to send these through the post when reviewing conditions of tenancy. This will, of course, have an impact upon emissions but cannot be avoided, in line with legislative requirements.

Equalities Impact Assessment

This approach will enable households to remain in their communities and enjoy security of tenure, subject to their tenancy rights and responsibilities, and thus build a stronger foundation and remain closer to their support networks.

The regulatory framework currently includes the Tenant Involvement and Empowerment Standard and, in line with the provisions of this, RPs are required to treat all tenants with fairness and respect; and also to demonstrate that they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs.

Officers working in MDH have training in support of this and are mindful that the Public Sector Equality Duty applies in the discharge of their duties. Work has started to refresh the information held on tenants in MDH records and, to this end, diversity information will be sought at most contacts starting once teams have been briefed.

Those tenants who may have difficulty using standard means of written communication, including those who with literacy issues or whose first language is not

English can request alternative forms of communication, including telephone calls, face to face contact and alternative formats including information in large print.

Formal policy updates arising from the completion of the tenure review will be accompanied by a full Equalities Impact Assessment and the compliance with the Equality Duty will be intrinsic within the review and policy drafting process.

Relationship to Corporate Plan

Supporting and growing active tenant engagement is a priority for the Council.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Paul Deal

Agreed by or on behalf of the Section 151

Date: 31 May 2024

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 31 May 2024

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 17 May 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 24 May 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe – Head of Housing and Health

Email: snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers:

Current MDH tenancy agreements:

<https://www.middevon.gov.uk/residents/mid-devon-housing/help-and-support/strategiesand-policies/tenancy-agreements/>

The use of Flexible Tenancies - a paper setting out how the use of flexible tenancies can be challenging and containing information on some of the issues impacting their use. This paper was presented to the Homes PDG at the meeting on 21 March 2023.

[https://democracy.middevon.gov.uk/documents/s27077/HPDG%20210323%20Flexible%20 Tenancies.pdf](https://democracy.middevon.gov.uk/documents/s27077/HPDG%20210323%20Flexible%20Tenancies.pdf)

The Regulator of Social Housing, consumer standards and charter:
<https://www.gov.uk/guidance/regulatory-standards#consumer-standards>



Tenure Reform

March 2024

A review of Tenure Reform by a Working Group of the Mid Devon District Council Homes Policy Development Group

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1 Introduction

- 1.1 MDH adopted the use of flexible tenancies in 2013 following the implementation of the Localism Act 2011. Following on from that, there was a requirement in the 2016 Housing and Planning Act which set out proposals to ensure that all new lettings offered by Councils in relation to general needs housing were made using flexible tenancies. However, these plans were abandoned in August 2018 with the launch of the Social Housing Green Paper following the disaster at Grenfell Tower.
- 1.2 The Council has been using flexible tenancies since 8 April 2013. The need to “make best use of the housing stock” was the driving factor which influenced the decision to introduce this form of tenure. However, there was also support for the view that social housing should be available to those who need it the most at the time when they need it the most; meaning that it is there as a safety net for those in housing need, offering a “helping hand” to enable them to get into a position whereby they can resolve their housing needs in a different way at the end of the fixed term.
- 1.3 At the start, there was some concern about the risks associated with the use of flexible tenancies. For example, it was felt that the use of flexible tenancies could impact tenants individually and collectively. This risk was identified on the basis that people may not feel settled or emotionally connected to their new home due to the fact that they may not be there for a long period. There was a concern that this, in turn, could then impact community cohesion on the basis that some people did not feel that they would be living in their neighbourhood for a long period of time.
- 1.4 The Working Group was required to review the continued use of flexible tenancies and to make a recommendation to the Homes PDG that the Cabinet adopt an approach and way forward which could be:
 - Halting the use of flexible tenancies
 - Maintaining the status quo
 - Adopting a blended approach – based on people and/ or property type

2 Working Group Members

- 2.1 The Working Group was made up of the following Members:
 - Cllr A Glover
 - Cllr N Letch
 - Cllr M Tuffin
- 2.2 Cllr A Glover was duly elected Chairman of the Working Group
- 2.3 The Working Group met on four occasions 18.12.2023, 31.01.2024, 5.03.2024 and 25.03.2024.

3 Rationale

3.1 The following issues have been widely recognised as being problematic with regard to the management of flexible tenancies. These issues can be summarised as follows:

- If a social landlord seeks to enforce the relevant terms of a flexible tenancy in relation to rent arrears, and the Court does not grant outright possession, instead making an Order for suspended possession, this results in the flexible tenancy becoming a secure tenancy.
- If the landlord serves a Notice of Seeking Termination on a flexible tenant on grounds other than rent arrears, due to legal issues, the landlord is required to serve the same Notice as the rent arrears but outlining the grounds. A Section 146 Notice must also be served and once this has been done, the landlord has to waive the right to collect rent.
- Tenancy agreements must include a clause which allows landlords to forfeit. (The Council's flexible tenancy agreement includes this).
- Once a landlord has elected to forfeit, any action incompatible with the decision to forfeit can (and often does) amount to the landlord having waived the breach. The most common example of waiver would be a demand for, or acceptance of rent after service of a Section 146 notice. So, if there is a demand for, or acceptance of rent by the landlord, in the period between electing to forfeit (service of Notice of Seeking Termination and/ or a Section 146 notice) and the issuing of proceedings, it can be argued that the landlord has waived the right to forfeit.
- If one joint tenant has left the home, the landlord cannot simply renew the tenancy at the end of the fixed term in the sole name of the remaining joint tenant. This scenario is covered by the Housing Act 1985. Due to legal considerations, Council landlords have to serve the relevant 6 month and 2 month notices prior to not renewing the tenancy at the end of the fixed term. Possession proceedings must be started and possession obtained prior to creating a new sole tenancy. This then raises the question of whether or not it would be reasonable to recharge the remaining tenant under the circumstances.

3.2 Very few flexible tenancies are not renewed. This is on the basis that frequently it is difficult to prove that the circumstances of the tenants have changed to such an extent that they should not remain in social housing. Experience has shown that any decision not to renew tends to result in requests for appeals and challenges from Ward Members and support agencies which are resource intensive to manage.

3.3 A Neighbourhood Officer explained that a majority of the reviews saw no change in the tenant's circumstances and the tenants were renewed onto another 5 year fixed term (flexible) tenancy. There had been issues with tenants not wanting to engage with the review process and this meant that in some circumstances the deadline to serve notice was missed and the tenant was put onto a periodic (secure) tenancy anyway by default.

- 3.4 Members were informed that a flexible tenancy did not guarantee that larger properties would be handed back into circulation any quicker than a secure tenancy if the property was found to be under occupied at review stage. It also had to be acknowledged that the Devon Home Choice Policy gave priority for people to be able to downsize if this was required.
- 3.5 Members were also informed that some tenants who had been found to be over the income threshold at review stage had then exercised their right to buy and that the properties had subsequently reverted to private ownership.

4 Tenant Involvement

- 4.1 The Working Group met with a tenant during the second meeting who told them of his concerns relating to flexible tenancies. It was established that he did not know what type of tenancy he had and that he would find any attempt to review his tenancy upsetting and intrusive.
- 4.2 The Working Group considered what had been done to engage with tenants in relation to the tenure review. It was noted that there had been some Housing Matters events in local communities and that a questionnaire had been posted on Let's Talk Mid Devon. Furthermore, tenants had been given an opportunity to discuss the project at the Community Cuppa events in Tiverton and Crediton.
- 4.3 By the time of the second meeting of the Working Group, feedback had been collected and this showed that there had been concern expressed regarding the review process and what would be assessed as part of that. Some tenants said that they were very anxious about the review process and the fear of losing their home. One respondent stated that it had not been made clear to them at the start of their tenancy that their tenancy would be reviewed at the end of the term with the financial circumstances of the household being taken into account. They were concerned that they did not have the resources to rent privately and gave detailed information relating to their particular circumstances and those of another member of the household.
- 4.4 Overall 269 people had read the consultation on line and there were 25 responses. The responses were split with 52.4% supporting stopping the use of flexible tenancies and 42.9% preferring a blended approach. Only 4.8% felt that MDH should do nothing.

5 Statistical Information

- 5.1 Members noted a number of statistics relating to flexible tenancies and the review process. It was noted that at 31 December 2023, there were 473 flexible tenancies, of which 19 were of two year duration. MDH has approximately 3,000 units. In the period between April 2013 and 31 December 2023, 1049 flexible tenancies had been issued, with 45 of these being of two year duration.
- 5.2 187 flexible tenancies had expired and had converted automatically to periodic ones as a result of the restrictions on movement and then resourcing issues during and after the pandemic.

- 5.3 It was noted that in April 2019, the time needed to review each flexible tenancy was calculated as being between 5 and 6 hours for each case, as an average. The impact on the workloads of individual team members was reviewed and it was noted that there were 112 flexible tenancy reviews to be completed up until the end of December 2024. It was noted that for one particular Officer, this would result in him having to spend 76 hours reviewing 19 cases on his patch, meaning that it would take a minimum of two weeks during the rest of the year for him to review the flexible tenancies where this was required on his patch until the end of this calendar year.
- 5.4 The Working Group considered statistics which demonstrated that the average debt accrued by someone with a flexible tenancy is much higher than that accrued by someone with a secure tenancy. For both secure and flexible tenancies, most evictions are actioned on the grounds of rent arrears.

6 Considerations

- 6.1 Members discussed the evidence presented. There was some discussion relating to the fact that flexible tenancies were an administrative burden and that sometimes it was difficult to see what tangible results, if any, there were for either tenants or MDH.
- 6.2 Officers confirmed that whatever decision the Working Group made that introductory tenancies would be retained. It was also explained that the legislation around introductory tenancies was different than the requirements for a flexible tenancy and that it was easier to terminate an introductory tenancy if a tenant did not comply with the terms of their tenancy agreement during their first year after being housed.
- 6.3 There was some discussion associated with the increase in the workload arising from the difficulties relating to the management of flexible tenancies and how there was no evidence to show that this tenure type really resulted in getting any properties back into circulation. There was also some discussion about whether or not it was right to expect tenants to be made to move to other properties if their circumstances changed. It was noted that, in many cases, people had spent time and money on their homes and had also built up local support networks which would be lost if they were forced to move to another property, which may not be in the same area. Members also questioned the costs to tenants forced to move, including the costs of making another property into a home.
- 6.4 A Member of the Working Group was concerned about the high number of sole tenants living alone in larger homes, more suitable for families. She said that she felt that individual circumstances should be considered; she said that she felt that it was still important for MDH to have a way to tackle under-occupation, if this was an issue at the flexible tenancy review stage. The Member said she felt that although flexible tenancies had their faults, that a future Government may bring in further legislation which would enable MDH to enforce the removal of tenants who under occupied. This would enable the freeing up of larger properties for more needy families.

- 6.5 Members discussed a blended approach with flexible tenancies being retained for larger properties of 3 bedrooms and above. There was some discussion about the mental health of our tenants in cases where tenancies were having to be reviewed every 5 years to see if they were eligible to stay in a property. It was noted that the review process could be stressful and, unnecessary for most tenants whose circumstances had not changed, and that these concerns relating to the review process had been demonstrated in their responses to the consultation.
- 6.6 Members stated they would be interested in setting up another Working Group to look at ways in which MDH could incentivize tenants to downsize to smaller homes when required. They also acknowledged the committed building program of 500 new social housing units which would assist with tenant's ability to downsize and stay in their communities.

7 Recommendations

7.1 The Working Group recommends that the Homes PDG recommends to Cabinet that:

- a) The use of flexible tenancies be halted
- b) All current flexible tenancies are moved to secure tenancies

7.2 The Working Group made the following recommendation to the Homes PDG:

- a) To establish a Working Group to look at ways in which MDH could incentivise tenants to downsize to smaller homes when required.

(Proposed by Cllr A Glover and seconded by Cllr H Tuffin)

Note:

- Cllr N Letch requested that her decision against the recommendations be recorded and stated she would prefer longer flexible terms of 10 years and for flexible tenancies to be kept for larger properties of 3 bedrooms and above. She stated:

'I have concerns about our losing sight of the role of social housing: it is to help those in urgent need and so flexible tenancy helps to guarantee a turnover of suitable housing for those in need. Our housing stock should not be a life time guarantee of cheap housing.

Our first priority needs to be those of urgent need of accommodation particularly young families with 2 plus children to help them with a healthy start.'

8 Rationale for Recommendations

- 8.1 Members had considered the views of our tenants and recognised the effect that a flexible review had on some of our tenants who felt that it had and would continue to affect their mental health. It was noted that potentially the uncertainty of not knowing how long you would be able to stay in your home would had a negative effect on tenants, many of whom did not realise they would be subject to a review every five years.
- 8.2 The use of flexible tenancies had not delivered the benefits expected for either tenants or MDH. Since the introduction of flexible tenancies in 2013 the external operating environment had changed and the cost of living crisis had resulted in hardship for some. In reality, tenants are not able to move onto home ownership or into private rented accommodation due to the costs involved and therefore tenants who qualified for social housing would usually need to receive this for a long period.
- 8.3 Flexible tenancies can be difficult to manage due to issues relating to the drafting of the regulations relating to them which were not always very clear. There were some particular difficulties associated with the management of such tenancies as a result. For example, seeking possession of a property on the grounds of anti-social behaviour can be challenging in a case where a tenant has a flexible tenancy because the Registered Provider (RP) cannot accept rent once the appropriate notice of impending possession action has been served.
- 8.4 Members acknowledged that there were currently limited numbers of smaller properties that people were able to downsize to but that the Council's committed development program was due to deliver 500 additional social housing units with majority of these being 1 or 2 bedroomed homes. Members were keen to explore introducing incentives to encourage tenants who were under occupying to downsize and so enable larger homes to be released for needy families.



Report for: Homes Policy Development Group

Date of Meeting: 11 June 2024

Subject: **MID DEVON HOUSING (MDH) TENURE REVIEW AND ASSOCIATED REVIEW OF TENANCY CONDITIONS: PROJECT PLAN**

Cabinet Member: Cllr Simon Clist Cabinet Member for Housing and Property

Responsible Officer: Simon Newcombe – Head of Housing and Health

Exempt: None

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All

Enclosures: Annex A: Draft Amended Project Plan relating to Review of Tenure, and the Mid Devon Housing Tenancy Agreement and Tenancy Policy

Annex B: Project Plan relating to Review of Tenure, and the Mid Devon Housing Tenancy Agreement and Tenancy Policy agreed by HPDG on 21 November 2023

Section 1 – Summary and Recommendation(s)

This report is seeking approval to update the project plan relating to a review of the standard MDH tenancy agreement. The project plan also relates to the various forms of tenure currently in use at MDH. In addition, the project encompasses a review of the tenancy management policy which requires updating, and which will have to be amended accordingly should tenure reform be agreed. This report contains a recommendation that the project plan is extended to facilitate detailed consultation

with tenants, and other stakeholders, in line with legislative and regulatory requirements, and good practice.

The project plan and its timeline has been dependent on the work of the PDG Tenure Reform working group including the production of its final report as set out at this meeting. Due to the Member Working Group meeting once more than originally planned, the report from the Working Group to the PDG on this project was delayed from the March meeting to June. More time is therefore now needed to enable appropriate consultation with other stakeholders, including tenants, to take place and the project plan has been amended accordingly.

Recommendation(s):

- 1. That the PDG agrees to the amended tenure review project plan as set out in Annex A**

Section 2 – Report

1 Introduction

- 1.1 At the meeting of the Homes Policy Development Group (PDG) on 21 March 2023, Members agreed that Officers should work up a project plan setting out a proposal to consult tenants and other stakeholders on the continued use of flexible tenancies.
- 1.2 As a registered provider of social housing (RP), Mid Devon Housing (MDH) can only use flexible tenancies if the strategic housing authority, the Council, specifies that they can be used within the tenancy strategy. All local authorities are required to have a tenancy strategy. The Operations Manager for Public Health and Housing Options has responsibility for this and is planning to review it in due course.
- 1.3 As a landlord, the Council has used flexible tenancies since 8 April 2013. The need to: “make best use of the housing stock” influenced the decision to introduce this form of tenure.
- 1.4 The use of these tenancies can be problematic. Members were given the background to their use, more information about some of the issues impacting their use and the need to consult tenants and other stakeholders, about any proposed changes, in the earlier report to the PDG which met on 21 March 2023. This informed the decision relating to the formulation of a project plan. A link to this earlier briefing is included in the background papers section of this report.
- 1.5 At the meeting of the PDG on 21 November 2023, a project plan was approved and this is set out in Annex B in this report. A link to the report which was published in support of this project plan is included in the background papers section of this report.

2 Legislative and regulatory requirements associated with tenure reform

- 2.1 In line with section 105 of the Housing Act 1985 (the Act), social landlords such as MDH are required to consult secure tenants on matters associated with housing management. This requirement is reinforced by the provisions of the mandatory Transparency, Influence and Accountability consumer standard, which is part of the regulatory framework for social housing, operated by the Regulator for Social Housing (RSH). This states that RPs must take tenants' views into account in their decision-making about how landlord services are delivered and communicate how tenants' views have been considered. The Standard contains a specific expectation which states that: "RPs must give tenants a wide range of meaningful opportunities to influence and scrutinise their landlord's strategies, policies and services."
- 2.2 Sections 102 and 103 of the Act contain provisions relating to the variation of tenancy conditions and sets out the procedure to be followed where landlords are planning to do these. These provisions relate to secure tenancies.
- 2.3 It should be noted that the variation procedure set out in the Act must be adhered to. However, if it has, then tenants are not required to sign the new agreement. It should also be noted that details of the variation notices must be kept on each individual tenancy record to prove that the new tenancy agreement has replaced the previous one, and that this is likely to result in a significant administrative burden.
- 2.4 Flexible tenancies are issued for a fixed term and therefore it is more difficult to vary the terms and conditions of each one. However, good practice and the requirements relating to consultation dictate that these tenants should be consulted on tenure reform and any proposed changes to the tenancy agreement so that their views can be taken into consideration.
- 2.5 The original project plan set out a timetable which would result in the adoption of a new tenancy agreement in November 2024. MDH is committed to involving tenants in decision-making and the project plan is set out to provide officers with the time required to properly consult tenants and other stakeholders such as the Police, organisations which can support tenants including Churches Housing Action Team (CHAT) and Citizen's Advice, and Devon County Council.
- 2.6 If the changes to the project plan are agreed, this will provide a new form of tenancy agreement with effect from 7 April 2025, as the first day of the new financial year, 2025/26.

3 Tenancy agreement review

- 3.1 Officers had already recognised the need for some changes to the existing standard form of tenancy agreement. These changes are required as a result of legislative, regulatory or policy changes and also in support of good practice.
- 3.2 The regulation of social housing has been subject to significant change following the implementation of the Social Housing Regulation Act in 2023. These changes brought about by this legislation were conceived in the aftermath of the fire at Grenfell Tower. The aim of the changes was to put tenants at the heart of the work of all RPs, including MDH.
- 3.3 Other factors have also impacted the environment in which MDH operates and these include the cost of living crisis, the pandemic and welfare reform. The tenancy agreement was last updated in November 2016 and therefore requires updating to take account of these various changes.

4 Tenancy policy review

- 4.1 In line with the provisions of the Localism Act 2011, every local authority is required to publish a tenancy strategy and RPs are expected to have due regard to this.
- 4.2 The RP's own policy, procedures and information to tenants relating to the use of flexible and other tenancies should align with the tenancy strategy of the local authority in which they have housing stock. The Operations Manager for Public Health and Housing Options is planning to refresh the existing tenancy strategy. Taking this into account and, if tenure reform is agreed, the MDH tenancy policy will have to be updated to reflect the new arrangements. Tenants and other stakeholders should also be consulted on any revisions to existing policy.

5 Consultation

- 5.1 To date, there has been a tenant consultation on tenure reform; and also the PDG Member Working Group which has discussed this, and which has made recommendations to this Policy Development Group (PDG). The report of the Working Group is on the agenda for this meeting with a recommendation relating to the discontinuance of the use of flexible tenancies.
- 5.2 Due to the Member Working Group meeting once more than originally planned, this report from the Working Group to the PDG on this project was delayed; there was insufficient time in which to agree a report for the meeting of the PDG on 19 March 2024. This report is being brought before the PDG at this meeting. As a result of this delay, more time is needed after the meeting to enable appropriate consultation with other stakeholders, including tenants, to take place as set out above.

5.3 This consultation will enable an updated standard tenancy agreement to be finalised. This agreement is a key cornerstone in our formal relationship with tenants and our wider tenant engagement and management. Once a full consultation has been completed then a draft updated agreement will be finalised. The amendments will take account of all recommendations on tenure reform made by this PDG and also other minor changes required in line with recent legislation, regulatory changes and good practice

6 Proposed changes to the Project Plan

6.1 The revised draft project plan, for approval, is set out in Annex A with a copy of the existing one set out in Annex B for ease of comparison.

6.2 Members will note that the main change relates to the proposal that the life of the project plan is extended, with the end date being 7 April 2025. The advantage of moving the end of the project until then relates to the fact that there will be enough time in which to undertake a meaningful consultation with tenants and other agencies. It also means that the new tenancy agreement, if adopted, will be in use with effect from the start of the new financial year, 2025/26, which is easier to manage for administrative reasons.

6.3 It should be noted that, sadly, no tenants expressed an interest with regard to participation in a dedicated focus group. Plans to review the tenancy agreement and to review the form of tenure in use at MDH were promoted in the tenant newsletter, at a Community Cuppa event, on social media and on Let's Talk Mid Devon, but there was very little feedback from tenants in relation to this. The poll used on Let's Talk Mid Devon generated limited interest (as set out in the report from the Member Working Group) but, sadly, this did not lead to any tenants volunteering to get more involved in the tenure reform project.

6.4 The Member Working Group met on four occasions: 18 December 2023, 31 January 2024, 5 March 2024 and 25 March 2024.

7 Recommendation

7.1 In accordance with the above; that the PDG agrees to the amended tenure review project plan as set out in Annex A.

Financial Implications

The landlord service is funded through the Housing Revenue Account (HRA) which is a ring-fenced account. The main income into this account is derived from the rent paid by tenants, and the HRA must balance. The work involved in a tenure review and also a review of the standard conditions of tenancy will be contained within existing budgets in the HRA.

Legal Implications

As a registered provider (RP) of social housing, the Council is obliged to take account of the standards contained within the revised regulatory framework which is administered by the Regulator of Social Housing (RSH). This states that RPs should meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.

The Social Housing (Regulation) Act 2023 has received Royal Assent in July 2023. The provisions of the Act are designed to strengthen the regulatory framework for social housing and to introduce a new proactive, consumer-led regulation regime focussed on meeting the needs of tenants. The RSH issued a consultation on the new regulatory standards for social housing which RPs will be expected to achieve from April 2024. This consultation was also available on the GOV.UK website and closed on 17 October 2023.

Section 102 and 103 of the Housing Act 1985 provides that in England and Wales the terms of a secure tenancy (other than those implied by statute) may be varied, therefore correct compliance with legislation is a requirement to prevent any legal challenges.

Section 105 of the Housing Act 1985 sets out the Council's duties relating to consultation with tenants on matters of housing management. Following any consultation, the MDH will be obliged to give a minimum notice period of 4 weeks in advance of any change.

Risk Assessment

It is good practice to review tenancy agreements on a regular basis to take account of changes to legislation, regulatory requirements, policy and good practice. RPs also need to ensure that those responsible for housing management can rely on a robust tenancy agreement which can be used in support of efficient and effective management of tenancies and the housing stock.

Impact on Climate Change

The Housing Act 1985 requires local authority landlords to undertake consultation and also to print out various documents and to send these through the post when reviewing conditions of tenancy. This will, of course, have an impact upon emissions but cannot be avoided, in line with legislative requirements.

Equalities Impact Assessment

The regulatory framework currently includes the Tenant Involvement and Empowerment Standard and, in line with the provisions of this, RPs are required to treat all tenants with fairness and respect; and also to demonstrate that they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs.

Officers working in MDH have training in support of this and are mindful that the Public Sector Equality Duty applies in the discharge of their duties. Work has started to

refresh the information held on tenants in MDH records and, to this end, diversity information will be sought at most contacts starting once teams have been briefed.

Those tenants who may have difficulty using standard means of written communication, including those who with literacy issues or whose first language is not English can request alternative forms of communication, including telephone calls, face to face contact and alternative formats including information in large print.

Formal policy updates arising specifically from the completion of the tenure review will be accompanied by a full Equalities Impact Assessment and the compliance with the Equality Duty will be intrinsic within the review and policy drafting process.

Relationship to Corporate Plan

A stated aim of the Council is to deliver sustainable communities.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Paul Deal

Agreed by or on behalf of the Section 151

Date: 31 May 2024

Statutory Officer: Maria de Leiburne

Agreed on behalf of the Monitoring Officer

Date: 31 May 2024

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 22 May 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 24 May 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe, Head of Housing and Health

Email: snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers:

MDH tenancy agreements: [Tenancy Agreements - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/tenancy-agreements)

Item 6: the Use of Flexible Tenancies, paper setting out how the use of flexible tenancies can be challenging and containing information on some of the issues impacting their use. This paper was presented to the Homes PDG at the meeting on 21 March 2023: [Agenda for Homes Policy Development Group on Tuesday, 21st March, 2023, 2.15 pm - MIDDEVON.GOV.UK](#)

Item 10: Tenure Review Project Plan, paper setting out a draft project plan relating to a review of tenure used by Mid Devon Housing (MDH) with a recommendation that this was agreed and, also, a review of the standard conditions of tenancy, and the tenancy management policy. This paper was presented to the Homes PDG at the meeting on 21 November 2023: [\(Public Pack\)Agenda Document for Homes Policy Development Group, 21/11/2023 14:15 \(middevon.gov.uk\)](#)

The Regulator of Social Housing, consumer standards: [Regulatory standards for landlords - GOV.UK \(www.gov.uk\)](#) Published 2 April 2024

[The charter for social housing residents: social housing white paper - GOV.UK \(www.gov.uk\)](#)

Annex A: Draft Amended Project Plan relating to Review of Tenure, and the Mid Devon Housing Tenancy Agreement and Tenancy Management Policy

Dates	Progress of Project Plan
21 November 2023	Discussion of proposed project plan relating to tenure reform & changes to the tenancy agreement at Homes PDG with agreement to proceed.
December 2023	Item in MDH News Winter 2023, Edition 7, to all tenants setting out a summary of the issues relating to tenure reform & seeking interested tenants to discuss these and other minor changes to tenancy agreement.
18 December 2023	First meeting of Member working group to discuss tenure reform & make recommendations to the Homes PDG. At this meeting, background and policy implications were discussed
11 January 2024	Discussed background and policy implications with tenants who attended Community Cuppa session in Tiverton
31 January 2024	Meeting of Member working group
5 March 2024	Meeting of Member working group
25 March 2024	Meeting of Member working group where the final report to the Homes PDG was discussed and agreed with recommendation to discontinue the use of flexible tenancies and to create a further working group to discuss options in support of downsizing.
Dates	Proposed Action
11 June 2024	Meeting of the Homes PDG where the recommendations of the Member working group can be discussed and agreed
2 July 2024	Cabinet to discuss and agree recommendation of the Homes PDG with regard to tenure reform.
July/ August 2024	Undertake a wider informal consultation of tenants regarding the proposed changes. This to include: <ul style="list-style-type: none"> • 3x Housing Matters events in each main town in the District • Social media articles • Use of Let's Talk Mid Devon • Discussion at Community Cuppa events Open house afternoon at Phoenix House where Officers and the Cabinet Member are available to discuss the proposals and to take on-board views
July 2024	Commence wider stakeholder consultation with partners
September 2024	Draft new terms and conditions of tenancy taking on board views of stakeholders
September 2024	Review tenancy management policy taking on board the views of stakeholders
24 September 2024	Homes PDG discusses revised terms of the tenancy agreement and the amended tenancy management policy and makes recommendation to the Cabinet.
15 October 2024	Cabinet agrees adoption of new tenancy management policy and the revised tenancy agreement.

Annex A: Draft Amended Project Plan relating to Review of Tenure, and the Mid Devon Housing Tenancy Agreement and Tenancy Management Policy

October 2024	Preparation of Consultation Letter & Preliminary Notice of Variation (in line with provisions of the Housing Act 1985, section 103)
October 2024	Commence procurement exercise with regard to printing & posting relevant documents and correspondence to relevant tenants
October 2024	Preparation of Notice of Variation
November 2024	Despatch the Consultation Letter & Preliminary Notice of Variation to all dwelling tenants (following Cabinet approval)
December 2024 to February 2025	Consideration of any comments received from tenants upon receipt of consultation letter & preliminary notice of variation
Start of March 2025	Notice of Variation to be sent to all tenants (in line with the provisions of the Housing Act 1985, section 103). The new Tenancy Agreement will be sent together with information on the new implementation date
7 April 2025	Implementation date at least four weeks after the Notice of Variation has been despatched to all tenants.

Annex B: Project Plan relating to Review of Tenure, and the Mid Devon Housing Tenancy Agreement and Tenancy Management Policy agreed by Homes PDG on 21 November 2023

Dates	Proposed action
21 November 2023	Discussion of proposed project plan relating to tenure reform & changes to the tenancy agreement at Homes PDG
December 2023	Once agreement to commence project is given, advertise focus group &/ or reading panel for tenants: post out newsletter to all tenants setting out a summary of the issues relating to tenure reform & seeking interested tenants to discuss these and other minor changes to tenancy agreement. These changes will be suggested by Officers
December 2023	Establish Member working group to discuss tenure reform & make recommendations to the Homes PDG. At this meeting, discuss background and policy implications
January 2024	Discuss background and policy implications with tenant focus group &/ or reading panel and seek a consensus to feed into discussion with Members
February 2024	Meeting of Member working group – informed discussion of options relating to tenure reform and suggested changes to tenancy agreement relating to that and other minor issues. Discuss review of tenancy management policy.
Late February 2024	Meeting of Member working group – agree preferred option regarding tenure reform and commencement of wider consultation with stakeholders including tenants and other partners on this and other changes to the tenancy agreement
19 March 2024	Report to Homes PDG setting out the results of the consultation and the recommendation of the Member working group. Homes PDG to agree a recommendation on tenure reform to the Cabinet.
2 April 2024	Cabinet to discuss and agree recommendation of the Homes PDG with regard to tenure reform.
April 2024	Undertake a wider informal consultation of tenants regarding the proposed changes. This to include: <ul style="list-style-type: none"> • 3x Housing Matters events in each main town in the District • Social media articles • Use of Let’s Talk Mid Devon • Discussion at Community Cuppa events Open house afternoon at Phoenix House where Officers and the Cabinet Member are available to discuss the proposals and to take on-board views
April 2024	Commence wider stakeholder consultation with partners
June 2024	Draft new terms and conditions of tenancy taking on board views of stakeholders

Annex B: Project Plan relating to Review of Tenure, and the Mid Devon Housing Tenancy Agreement and Tenancy Management Policy agreed by Homes PDG on 21 November 2023

June 2024	Review tenancy management policy taking on board the views of stakeholders
July 2024	Homes PDG discusses revised terms of the tenancy agreement and the amended tenancy management policy and makes recommendation to the Cabinet.
August 2024	Cabinet agrees adoption of new tenancy management policy and the revised tenancy agreement.
August 2024	Preparation of Consultation Letter & Preliminary Notice of Variation (in line with provisions of the Housing Act 1985, section 103)
August 2024	Commence procurement exercise with regard to printing & posting relevant documents and correspondence to relevant tenants
August 2024	Preparation of Notice of Variation
September 2024	Despatch the Consultation Letter & Preliminary Notice of Variation to all dwelling tenants (following Cabinet approval)
September to October 2024	Consideration of any comments received from tenants upon receipt of consultation letter & preliminary notice of variation
October 2024	Notice of Variation to be sent to all tenants (in line with the provisions of the Housing Act 1985, section 103). The new Tenancy Agreement will be sent together with information on the new implementation date
November 2024	Implementation date at least four weeks after the Notice of Variation has been despatched to all tenants.



Report for: HOMES POLICY DEVELOPMENT GROUP

Date of Meeting: 11 June 2024

Subject: **MID DEVON HOUSING (MDH) SERVICE DELIVERY REPORT FOR Q4 AND OUTTURN 2023-24**

Cabinet Member: Councillor Simon Clist, Cabinet Member for Housing and Property

Responsible Officer: Simon Newcombe, Head of Housing and Health

Exempt: None

Wards Affected: All wards

Enclosures: Annex A: Tenant Satisfaction Measures (TSMs) – performance data for 2023-24: Quarters 1, 2, 3, 4 and end of year outturn

Annex B: Tenancy Enforcement Activities – performance data for 2023-24: Quarters 1, 2, 3, 4 and end of year outturn

Annex C: Rent Recovery – performance data for 2023-24: Quarters 1, 2, 3, 4 and end of year outturn

Annex D: Building Repairs and Maintenance – performance data for 2023-24: Quarters 1, 2, 3, 4 and end of year outturn

Section 1 – Summary and Recommendation(s)

This report has been presented in support of a previous commitment to provide a quarterly update to Members on activity undertaken by Mid Devon Housing (MDH), including some relating to enforcement.

It also contains relevant information relating to performance as measured in line with the guidance relating to the Tenant Satisfaction Measures (TSMs). The Regulator of Social Housing (RSH) requires registered providers of social housing (RPs) to provide

a report on a set of TSMs which includes perception and performance data, and 2023/24 is the first year in which MDH and all other providers have to do so.

The aim of this report is to provide an update on relevant data which includes some which is required as part of the TSM submission, where available, in order to provide assurance. It is hoped that the data will also provide some indication of the final outturn expected at the end of the year.

Recommendation(s):

That the PDG notes the outturn performance for Quarter 4 and end of year 2023/24 as provided in Annexes A, B, C and D

Section 2 – Report

1 Introduction

- 1.1. MDH manages approximately 3,000 homes located across the District.
- 1.2. This report provides a summary of activity and performance for Q4 ending 31 March 2024 and the previously reported data for Q1, Q2 and Q3 for comparison.
- 1.3. In accordance with this, data for Quarters 1, 2, 3 and 4 including the overall end of year outturn for 2023-24 is provided in the following Annexes:
 - Annex A: Tenant Satisfaction Measures (TSMs)
 - Annex B: Tenancy Enforcement Activities
 - Annex C: Rent recovery
 - Annex D: Building Repairs & Maintenance

2 Assurance requirements and reporting

- 2.1 RPs are now required by the RSH to provide effective assurance to Members and this should include relevant, updated performance data relating to service delivery.
- 2.2 The RSH takes a co-regulatory approach which means that Councillors are responsible for ensuring that MDH is meeting their standards. There are currently five consumer standards, although following the implementation of the Social Housing (Regulation) Act these are about to be changed, once a review has been concluded. Currently, RPs such as MDH are expected to have due regard to the required outcomes and specific expectations as set out in these standards, which are:
 - The Safety and Quality Standard
 - The Tenancy Standard
 - The Transparency, Influence and Accountability Standard
 - The Neighbourhood & Community Standard

- 2.3 The Rent Standard, an economic standard, also applies and MDH is required to have regard to this.
- 2.4 Councillors also have a responsibility to ensure that MDH is being open and accountable with regard to how the organisation meets its objectives. In line with the principles of co-regulation, RPs are also required to support tenants so that they can shape and scrutinise service delivery and hold Councillors to account.
- 2.5 Performance data recorded in support of the TSMs is shown in the report. The aim is to ensure that Members can be reassured that data is being collected. Some of the data in this report will be included in the data submission which will be made to the RSH during the first part of 2024-25.
- 2.6 Perception data to inform our return to the RSH, in line with the new regulatory requirement, is collected annually although MDH may review our approach to this. Information collected by a third party contractor during the latter part of 2023 from all tenants has been analysed. The information has been used to inform a new service improvement plan.
- 2.7 During the survey, individual tenants were given an opportunity to provide limited feedback in response to some questions and were able to do this anonymously, if they wanted. Many tenants chose to give their name and address and Officers are now following up any service requests or complaints received in this way.
- 2.8 This work was procured by a partnership involving MDH and two other local authority providers with retained housing stock. As a result, there will be opportunities for local benchmarking alongside national benchmarking once all RSH has collected all relevant data and it has been published, provided that all partners wish to participate in this.
- 2.9 Work is now ongoing with regard to a procurement process involving all three local authorities in respect of the survey required this year, 2024/25.
- 2.10 In January 2024, MDH commissioned an external review of compliance against the regulatory framework. The findings of this have been used, together with the analysis of the data collected during the perception survey, to inform an understanding of necessary service improvement. The insight gained has informed the development of a draft MDH Impact Improvement plan currently under consultation with MDH staff, which contains a number of actions. This plan takes into account resourcing, legislative and regulatory requirements and good practice and this plan has been shared with managers within MDH ahead of being disseminated more widely for consultation with staff and other stakeholders.

2.11 The work of different MDH teams is shown in the annexes as set out below. Information is provided on key areas of work. It is important for Members to be reassured that the homes in management are safe and secure and to understand how teams are performing in relation to certain indicators relating to tenancy and estate management. There are legislative and regulatory requirements which RPs must adhere to. However, it is also important that service delivery also takes account of MDH's own policies and good practice.

2.12 This service delivery report sets out the following specific data:

- 12 performance data TSMs
- 10 perception survey data TSMs (annual survey data)
- Tenancy enforcement data
- Rent collection and debt data
- Full repairs data including Decent Homes
- Voids data (metrics determined by updated Voids Management Policy)

2.13 The TSMs include three measures designed to demonstrate how RPs are performing with regard to service delivery in connection with complaints. If a tenant remains dissatisfied following the conclusion of their complaint, they can escalate that complaint to the Housing Ombudsman Service (HOS). In the new regulatory framework, recently introduced, the role of the HOS has been expanded. Every year, RPs must undertake a review of compliance against the Complaints Handling Code, issued by the HOS. This has recently been reviewed by the HOS and there is now a requirement to submit an annual complaints performance and service improvement report to the PDG, in support of this. This report is on the agenda for this this meeting.

2.14 In addition, it should be noted that there is a Memorandum of Understanding between the HOS and the RSH which allows the transfer of information with the aim of ensuring that any regulatory failings associated with service delivery as performed by RPs are identified and dealt with in the most appropriate way.

2.15 MDH provides a detailed report on complaints data and key issues of learning to inform service improvement on an annual basis. The latest annual report is provided as a separate agenda item for this meeting. As required, this report will be published on the section of the website relating to complaints alongside the response of the PDG and the Cabinet to this.

3 Performance and context

3.1 Annexes A to D contain comments and informative narrative on performance provided against specific metrics and there is further context provided below.

- 3.2 In the absence of TSM benchmark data, which will be available once all RPs have submitted relevant information nationally, the results of the satisfaction survey obtained as part of the pilot exercise undertaken during late 2022 has been published alongside some indicators for comparative purposes. When the national data is published, a further report will come to this PDG showing how MDH compares with other organisations nationally.
- 3.3 In the meantime, MDH will focus on any TSM results where the score was 60% or less. The actions required to address any issues arising from this review of the data will be fed into the wider MDH Impact Improvement Plan.
- 3.4 A total of 2,830 tenants were eligible to respond to the survey. The total sample size achieved was 625. The methodology used by our contractor was done in line with the relevant regulatory requirements. Mixed methods were used to collect the responses with the following results:
- Postal survey 187
 - Telephone survey 100
 - Online response 338
- 3.5 The contractor has provided some data relating to the representativeness of the full tenant profile:

Full tenant profile		
Tenure	Count	Percentage
Flex tenancies	440	16%
Intro to flex	38	1%
Intro to secure	88	3%
Secure	2,264	80%
Total	2,830	100%
Property Type	Count	Percentage
Bungalow	969	34%
Flat/maisonette/bedsit	536	19%
House	1,320	47%
Total	2,825	100%
Age	Count	Percentage
Under 24	52	2%
25-54	1,194	42%

55+	1,584	56%
Total	2,830	100%

3.6 The representativeness of the survey respondent profile, as also provided by the contractor, were as follows:

Respondent profile		
Tenure	Count	Percentage
Flex tenancies	85	14%
Intro to flex	11	2%
Intro to secure	17	3%
Secure	510	82%
Unknown	2	0%
Total	625	100%
Property Type	Count	Percentage
Bungalow	224	36%
Flat/maisonette/bedsit	115	18%
House	283	45%
Unknown	3	0%
Total	625	100%
Age	Count	Percentage
Under 24	8	1%
25-54	249	40%
55+	366	59%
Unknown	2	0%
Total	625	100%

3.7 MDH team leaders meet with senior managers on a monthly basis to discuss performance against a range of indicators across the business. This delivers a greater understanding and insight and ensures that performance is routinely monitored which in turn delivers an understanding of any pressures. This informs the allocation of resources, as appropriate.

4 Building Services

- 4.1 Performance relating to Building Services is dependent upon having a full complement of operatives who have the necessary skills to manage the workload. Unfortunately, there were some challenges with regard to recruitment last year due to prevailing market conditions. This, combined with long term sickness, can have an impact on the ability of the team to manage the priorities. For this reason, priority was given to completing the most urgent works to ensure that they were completed on time, as well as to those routine repairs having the most impact upon tenants. Similar issues also affected the administrative team responsible for processing repairs requests. Taking these resourcing issues into account, managers are satisfied that with the level of performance, especially as targets have been met, although, there is, of course, always room for improvement to ensure that 100% of repairs are completed on time.
- 4.2 Customer satisfaction with planned maintenance remains strong despite some challenging performance issues associated with a very limited number of contractors.

5 Building Services – Voids Specific

- 5.1 The team which manages this work has been busy this year managing a large number of voids in both the housing revenue account and on behalf of the general fund strategic housing functions. The condition of the properties being returned has, on occasions, been poor, and it is a combination of these factors which has impacted the ability of the team to achieve set targets. Standard and major voids have been prioritised in order to ensure that the supply of available homes is maintained. However, some work, including that relating to decarbonisation, has taken longer than hoped due to external resourcing issues and therefore the target relating to the turnaround time for these properties was missed.

6 Tenancy and Estate Management

- 6.1 The Neighbourhood team works in partnership with other agencies to manage tenancy-related issues and those on the MDH estates, including anti-social behaviour. The team was impacted again by the loss of one officer responsible for this area of work at the end of Quarter 4. A new Officer has been recruited and will commence work at the beginning of May 2024. Annex 2 shows performance with regard to some of the tools available to the team. Many of these can be used to support the management of reports of nuisance and anti-social behaviour.
- 6.2 In line with good practice, our Officers will endeavour to resolve any issues reported at an early stage. This can involve a range of options, including

partnership working, informal mediation undertaken by team members and referrals for formal mediation. Therefore, the statistics in the annex do not always reflect the extent of the work which is required when managing nuisance and anti-social behaviour.

- 6.3 Please note that there was an error in the report relating to Quarters 2 and 3. An explanation has been provided in the comments relating to tenancy enforcement activities. An additional Acceptable Behaviour Agreement had been actioned during Quarter 2, which has now been input. This was missed due to user error when inputting the action into our recording system. The report in Annex B has been corrected to reflect this.
- 6.4 With regard to fraud, tackling this is a priority. Tenancy fraud can encompass many issues, but if someone is living in a home where they do not have a right to be, that has an impact on the availability of that property for a household in greater housing need. For this reason, Officers will be proactive about investigating any concerns and making the necessary referrals for further investigation and action.

7 Income Collection

- 7.1 It is pleasing to note that the Neighbourhood team was able to reduce the level of debt attributed to current dwelling tenants during the year. At the end of the first quarter, the debt stood at 2.48% of the annual rent debit, and at the end of the year, it stood at 2.21% of this. This was well within target, too.
- 7.2 When managing rent arrears, the team endeavours to work closely with the tenants involved. The aim is to offer an empathetic and supportive approach to encourage individuals to speak to the team about any financial issues they may be experiencing. Referrals for debt counselling and money advice are offered. The aim is to create a culture whereby all tenants are able to pay their rent; and, to this end, the team will offer realistic arrangements to facilitate the payment of rent arrears in instalments.

8 Recommendation

- 8.1 The following recommendation is made:

That the PDG notes the outturn performance for Quarter 4 and the end of year outturn 2023-24 as provided in the Annexes A, B, C and D.

Financial Implications

MDH activity is funded through the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls. The Housing Ombudsman Service

(HOS) charges a mandatory membership fee based on the number of homes in the management of the registered provider (RP) of social housing.

Legal Implications

The tenancy agreement defines MDH's relationship with tenants and sets out the rights and responsibilities of both parties. This takes account of legal and regulatory requirements. The Council is an RP and therefore is required to comply with the regulatory framework operated by the RSH. The regulatory framework has been reviewed. The Transparency, Influence and Accountability Standard contains provisions relating to the management of complaints. There is also a requirement for MDH to manage complaints in accordance with the Complaints Handling Code (the Code) which is issued by the HOS. Landlords are expected to self-assess against the Code. Landlords are required to use the learning from complaints to drive service improvement. Following publication of the Social Housing White Paper in late 2020, the Social Housing Regulation Act 2023, has now been implemented and gone into statute. New regulations are expected in relation to some of the key provisions set out in the White Paper.

Risk Assessment

The Council has approximately 3,000 homes in management and the performance of MDH impacts upon the lives of many thousands of tenants and their families. This represents a huge responsibility and investment, consequently a major area of risk. Not providing an effective housing management service has the potential to result in failure to meet legal and statutory obligations including those relating to health and safety issues, repairs obligations, tenancy fraud, and reputational issues which could result in our tenants feeling stigmatised. Failure to collect rental income could impact the ability to fund necessary management and maintenance activities.

Finally, a failure to provide adequate information on service performance for the purposes of governance and scrutiny is a specific area of non-compliance with the requirements of the RSH. This regulator has new powers to impose performance improvements and potentially fine registered providers where performance is poor and/or adequate assurance is not provided.

Impact on Climate Change

None directly arising from this report.

Equalities Impact Assessment

MDH has a collection of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. These are currently being reviewed with the aim of aligning them more closely with the Regulatory Standards. There is a regulatory requirement for registered providers of social housing to tailor their services to meet the needs of tenants. MDH requests diversity data from tenants to enable compliance to be monitored. MDH is required to work with people from all sections of society and having an agreed policy ensures that all tenants and other stakeholders are treated in the same way with adjustments being made to meet their needs, as necessary. The Housing Ombudsman Service Complaints Handling Code which MDH adhere to also

requires landlords to have an awareness of accessibility so residents are easily be able to access the complaints procedure via several routes.

Our “Getting to Know You” project has been designed to refresh our knowledge relating to the diversity of our tenants and over the next two years, we will be surveying them in an effort to better understand their needs.

Relationship to Corporate Plan

Homes and the Environment are a priority for the Council and this includes increasing the supply of affordable homes in the District and also supporting and growing active tenant engagement

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Paul Deal

Agreed by or on behalf of the Section 151

Date: 31 May 2024

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 31 May 2024

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 13 May 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 24 May 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe, Head of Housing and Health

Email: snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers:

Mid Devon Housing Strategies and Policies:

[Procedures, Policies and Strategies - MIDDEVON.GOV.UK](#)

The Regulatory Framework for Social Housing:

[Regulatory framework - GOV.UK \(www.gov.uk\)](#)

Tenant Satisfaction Measures:

[Tenant Satisfaction Measures Standard - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Housing Ombudsman Complaints Handling Code:

[Complaint Handling Code | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

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ANNEX A: Tenant Satisfaction Measures (TSMs) – performance data for 2023/24: Quarters 1, 2, 3 and 4

Overall Satisfaction						
	Q1	Q2	Q3	Q4	YTD	Comments
TP01: Overall satisfaction	N/A	N/A	N/A	N/A	62.4%	Annual Indicator National benchmarking data will be available later this year after all Registered Providers of social housing (RPs) have submitted their results. In our pilot survey, undertaken by a different contractor during 2022/23, MDH scored 70% against this indicator.

Keeping Properties in Good Repair						
	Q1	Q2	Q3	Q4	YTD	Comments
TP02: Satisfaction with repairs	N/A	N/A	N/A	N/A	63.8%	Annual Indicator As this survey has delivered our first result, it is difficult to know what our baseline might be. Once we have some more benchmarking indicators and a few more months of our own data, we will be able to put lessons learnt into place, and implement improvement plans. Performance completing repairs within timescale is strong and upper quartile for the sector.

TP03: Satisfaction with time taken to complete most recent repair	N/A	N/A	NA	N/A	57.5%	<p>Annual Indicator</p> <p>As this survey has delivered our first result, it is difficult to know what our baseline might be. Once we have some more benchmarking indicators and a few more months of our own data, we will be able to put lessons learnt into place, and implement improvement plans.</p> <p>The fact that this indicator is lower than satisfaction with repairs tells us that it is an area for improvement. A full staff will be essential to achieving better satisfaction levels in relation to time taken.</p>
TP04: Satisfaction that the home is well maintained	N/A	N/A	N/A	N/A	65.3%	<p>Annual Indicator</p> <p>National benchmarking data will be available later this year after all Registered Providers of social housing (RPs) have submitted their results. In our pilot survey, undertaken by a different contractor during 2022/23, MDH scored 65% against this indicator</p>
RP01: Proportion of Homes that do not meet the Decent Homes Standard	0.65%	0.76%	0.76%	0.76%	0.76%	There are 22 properties that are outstanding, all of which are on a future list of works.
RP02: Repairs completed within target timescale	97.77%	99.47%	99.32%	99.24%	98.95%	The % of repairs completed within timescale is reflective of some longstanding staff resource issues, with there having been a number of long-

						term vacancies and/or sickness within the operative and admin team. The team has focussed on the most urgent works to ensure that these are completed on time, as well as those routine repairs having the most significant impact on tenants.
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Maintaining Building Safety						
	Q1	Q2	Q3	Q4	YTD	Comments
TP05: Satisfaction that the home is safe	N/A	N/A	N/A	N/A	71.6%	Annual Indicator National benchmarking data will be available later this year after all Registered Providers of social housing (RPs) have submitted their results. In our pilot survey, undertaken by a different contractor during 2022/23, MDH scored 71% against this indicator
BS01: Gas safety checks	99.87%	99.91%	100%	100%	100%	Target 100% - On target
BS02: Fire safety checks	100%	100%	100%	100%	100%	Target 100% - On target
BS03: Asbestos safety checks	77.68%	77.78%	77.75%	77.64	77.64%	There is a plan in place to carry out 300 surveys a year and reach the goal of 100% by 2026
BS04: Water safety checks	100%	100%	100%	100%	100%	Target 100% - On target
BS05: Lift safety checks	100%	100%	100%	100%	100%	Target 100% - On target

Respectful and Helpful Engagement						
	Q1	Q2	Q3	Q4	YTD	Comments
TP06: Satisfaction that the landlord listens to	N/A	N/A	N/A	N/A	50.6%	Annual Indicator

tenant views and acts upon them						National benchmarking data will be available later this year after all Registered Providers of social housing (RPs) have submitted their results. In our pilot survey, undertaken by a different contractor during 2022/23, MDH scored 50% against this indicator
TP07: Satisfaction that the landlord keeps tenants informed about things that matter to them	N/A	N/A	N/A	N/A	62.2%	Annual Indicator National benchmarking data will be available later this year after all Registered Providers of social housing (RPs) have submitted their results. In our pilot survey, undertaken by a different contractor during 2022/23, MDH scored 61% against this indicator
TP08: Agreement that the landlord treats tenants fairly and with respect	N/A	N/A	N/A	N/A	69.8%	Annual Indicator National benchmarking data will be available later this year after all Registered Providers of social housing (RPs) have submitted their results. In our pilot survey, undertaken by a different contractor during 2022/23, MDH scored 66% against this indicator

Effective Handling of Complaints

	Q1	Q2	Q3	Q4	YTD	Comments
TP09: Satisfaction with the landlord's approach to handling complaints	N/A	N/A	N/A	N/A	22.2%	Annual Indicator National benchmarking data will be available later this year after all Registered Providers of social housing (RPs) have submitted their results. In our pilot survey, undertaken by a

						<p>different contractor during 2022/23, MDH scored 30% against this indicator.</p> <p>It is likely that all RPs will report low levels of satisfaction in relation to this particular indicator. The question relates to the process rather than to the outcome of the complaint however this is unlikely to be reflected in responses. Therefore, it is anticipated that many complainants would have expressed their dissatisfaction with regard to this TSM should the outcome of their complaint have failed to align with their expectations.</p>
CH01: Complaints relative to the size of the landlord	23	20	17	17	77	<p>Early indications suggest that MDH may be recording more complaints than other RPs. However, this suggests that our service is both fully compliant with the Complaints Handling Code and is willing to listen to feedback with a culture of openness and transparency.</p>
CH02: Complaints responded to within Complaint Handling Code timescales	96.88%	96.67%	98.00%	98.04	97.33%	<p>Target 100%</p> <p>Early indications show that MDH is performing well against this indicator. This is an area of work which is prioritised and our dedicated Housing Complaints Officer is able to support good performance in this.</p>

Responsible Neighbourhood Management						
	Q1	Q2	Q3	Q4	YTD	Comments
TP10: Satisfaction that the landlord keeps communal areas clean and well maintained	N/A	N/A	N/A	N/A	49.3%	Annual indicator National benchmarking data will be available later this year after all Registered Providers of social housing (RPs) have submitted their results. In our pilot survey, undertaken by a different contractor during 2022/23, MDH scored 53% against this indicator
TP11: Satisfaction that the landlord makes a positive contribution to neighbourhoods	N/A	N/A	N/A	N/A	49.9%	Annual indicator National benchmarking data will be available later this year after all Registered Providers of social housing (RPs) have submitted their results. In our pilot survey, undertaken by a different contractor during 2022/23, MDH scored 47% against this indicator
TP12: Satisfaction with the landlord's approach to handling anti-social behaviour	N/A	N/A	N/A	N/A	49.6%	Annual indicator National benchmarking data will be available later this year after all Registered Providers of social housing (RPs) have submitted their results. In our pilot survey, undertaken by a different contractor during 2022/23, MDH scored 47% against this indicator
NM01: Anti-social behaviour cases relative to the size of the landlord	3.72	2.03	4.07	1.01	10.83	Annual indicator Early indications show that MDH has fewer cases as compared to other landlords. However, it should be noted that we work in a rural area and that we are unlikely to experience the same issues such as those being managed by larger RPs in more built-up areas or in more urban areas elsewhere.

ANNEX B: Tenancy Enforcement Activities – performance data for 2023/24: Quarters 1, 2, 3 and 4

Neighbourhood & Community Standard – Housing Revenue Account – Estates Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Fraud cases opened	2	0	0	2	4	<p>The team undertakes these actions as part of their day to day housing management activities. Whilst it does not look like much has been done in relation to action taken, in some cases, there has been a great deal of work done in the background to manage issues which have emerged on our estates. This may have involved evidence gathering, working in partnership with other agencies and meeting with tenants who have made reports of nuisance or more serious behaviour and/or who we believe to be involved in perpetrating it. The aim of the interventions is to resolve issues swiftly and without the need for more formal action, and sometimes the work done by the team can result in very good outcomes without the need for this.</p> <p>The Neighbourhood Officers now have delegated authority to service warnings relating to Community Protection Notices (CPNs) and also CPNs. This authority was only delegated down during the first quarter of 2024/25. These tools can be used in relation to many tenancy breaches and are seen as a useful addition to the actions available to the Estates team.</p> <p>*Please note that there was an error on the reports relating to Q2 and Q3. We use a module on the system for recording information relating to anti-social behaviour and also as a case</p>
Fraud cases referred to an external investigator	1	0	0	0	1	
Acceptable Behaviour Agreements signed	0	1*	0	1	2	
Good Neighbourhood Agreements signed	0	0	0	0	0	
Community Protection Notice warnings issued	0	0	0	0	0	
Community Protection Notices issued	0	0	0	0	0	
Possession Actions commenced on grounds of ASB	2	0	0	0	2	
Closure Orders – obtained	0	0	0	0	0	
Injunctions sought	0	0	0	0	0	

Evictions on grounds of anti-social behaviour/ other tenancy breach	0	0	0	0	0	management tool. One of the team had issued an Acceptable Behaviour Agreement and updated our integrated electronic housing management system to reflect this. However, in error, it was recorded as an event, rather than a completed action in the action plan. This report shows this action and the End of Year figure includes this.
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ANNEX C: Rent recovery – performance data for 2023/24: Quarters 1, 2, 3 and 4

Income Recovery – Housing Revenue Account – Income Team							
	Q1	Q2	Q3	Q4	Target	YTD	Comments
Current dwelling rent arrears at quarter end %	2.48%	2.47%	2.71%	2.21%	<5%	2.21%	It is pleasing to see that the Neighbourhood Officers were able to effect a reduction in the level of arrears through the year and that performance compares well to the target. The team endeavours to engage with tenants and to support those that may be experiencing financial difficulties.
Notice of Seeking possession served	52	89	72	80	N/A	293	These are served to protect the interests of the Council as a landlord. They are not eviction notices, as some people believe, because MDH does not have the authority to undertake an eviction without a possession order. The notice is exactly that, served to reinforce to the tenant that they owe rent and are in breach of their conditions of tenancy. The aim is to encourage tenants to remedy the breach and if they make an arrangement, or clear the debt in full, quite often no further action is necessary.
Judgement obtained	5	4	6	4	N/A	19	This is where a Court has made a ruling in connection with a request for a possession order made as a result of one or more tenancy breaches. Seeking possession is used as a means to make someone appreciate the seriousness of the situation and if someone engages with the Court or with MDH as a landlord, the outcome of the Court hearing is likely to be more favourable than if they do not.
Warrants issued	4	5	1	0	N/A	10	A warrant is issued by the Court if MDH has been able to successfully demonstrate that the possession order made during a Court hearing has been breached and the tenant has made no effort to remedy that breach. There were no warrants obtained during quarter 4 but 10 were obtained

							through the year. Eviction is seen as a last resort by Officers, who will continue to work with the tenant in an effort to help them to better sustain their tenancy even if there is a warrant in place. Tenants have the right to request a Stay of Execution in the run up to an eviction date and our team makes them aware of this. That provides another opportunity for them to engage with the Court and try to reach agreement on re-payment with our Officers. That is why the number of evictions is lower than the number of warrants obtained throughout the year.
Evictions on grounds of rent arrears	3	1	2	1	N/A	7	There was only one eviction during the last quarter of the year and 7 throughout the year. As stated, Officers will endeavour to work with tenants to ensure that they are not evicted but in some cases all attempts will fail and MDH has no option but to move forward in order to protect the interests of the Council.

ANNEX D: Building Repairs and Maintenance – performance data for 2023/24: Quarters 1, 2, 3 and 4

Homes and Neighbourhood & Community Standards – Housing Revenue Account – Building Services						
	Q1	Q2	Q3	Q4	YTD	Comments
Decent Homes Standard %	99.35%	99.24%	99.24%	99.24%	99.24%	<p>Target 100%</p> <p>There are 22 properties that are outstanding, all of which are on a future list of works.</p> <p>It should be noted that customer satisfaction, as shown by relevant surveys following planned maintenance work, is 94%.</p>
Emergency repairs completed on time %	97.84%	100.00%	98.73%	99.57%	99.00%	<p>The % of repairs completed within timescale is reflective of some longstanding staff resource issues, with there having been a number of long-term vacancies and/or sickness within the operative and admin team. The team has focussed on the most urgent works to ensure that these are completed on time, as well as those routine repairs having the most significant impact on tenants.</p> <p>For context, given the number of emergency repairs per month (~75), these figures represent a very small number of repairs, with the majority of these relating to communal external lighting whilst we prioritise domestic properties, or where 1 heater in a whole home is not working. In most cases, these are a small number of hours out of target.</p>
Urgent repairs completed on time %	97.26%	98.79%	99.67%	97.69%	98.41%	Target 95% - Above target

						Whilst still above target, we would always aspire to be as close to 100% as possible. The % of repairs completed within timescale is reflective of some longstanding staff resource issues, with there having been a number of long-term vacancies and/or sickness within the operative and admin team. The team has focussed on the most urgent works to ensure that these are completed on time, as well as those routine repairs having the most significant impact on tenants.
Routine repairs completed on time %	98.77%	99.58%	99.78%	99.61%	99.43%	Target 95% - Above target Whilst still above target, we would always aspire to be as close to 100% as possible. The % of repairs completed within timescale is reflective of some longstanding staff resource issues, with there having been a number of long-term vacancies and/or sickness within the operative and admin team. The team has focussed on the most urgent works to ensure that these are completed on time, as well as those routine repairs having the most significant impact on tenants.
Repairs completed first visit %	99.44%	98.71%	99.74%	98.92%	99.21%	Target 95% - Above target We are satisfied with this result, as this is a measure for which a performance close to 100% would be indicative of a poor value service. Whilst many repairs are completed at first visit, the complex nature of some repairs and need for

						specialist parts means that a target of 95% would also be good performance.
Gas safety checks %	99.87%	99.91%	100%	100%	100%	Target 100% - On target
Fire risk assessments %	100%	100%	100%	100%	100%	Target 100% - On target
Water safety checks (Legionella) %	100%	100%	100%	100%	100%	Target 100% - On target

Voids*

Voids performance – Housing Revenue Account – Building Services and Allocations Teams						
	Q1	Q2	Q3	Q4	YTD	Comments
Standard voids including temporary accommodation	64.70	72.84	38.00	30.50	53.99	Target 35 working days. Higher than average numbers of Voids this year as well as the condition of those voids has impacted upon the team's ability to meet targets, although a QTR on QTR improvement can be seen we are aware that further work is needed to be able to achieve the target.
Major voids	168.75	142.00	80.47	69.83	111.57	Target 55 working days Higher than average numbers of Voids this year as well as conditions of those voids has impacted upon the team's ability to meet targets, although a QTR on QTR improvement can be seen we are aware that further work is needed to be able to achieve the target.
Decent homes voids	102.67	101.91	110.73	145.88	114.50	Target 90 working days We have had to prioritise both standard and major voids over decent homes voids which has meant that we have not been able to achieve the number of working days target this year. Decarbonisation works that are also required in these properties have also taken longer than hoped due to external resourcing issues.
Development voids	N/A	N/A	N/A	N/A	N/A	Target 1 calendar year

Occupancy rate (whole stock)	97.60%	97.33%	97.32%	97.19%	97.19%	Target 97% - Above target
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* Definitions and targets as per adopted Voids Management Policy 2023



Report for: HOMES POLICY DEVELOPMENT GROUP

Date of Meeting: 11 June 2024

Subject: **MID DEVON HOUSING COMPLAINTS
HANDLING REPORT 2023-24**

Cabinet Member: Councillor Simon Clist, Cabinet Member for
Housing & Property

Responsible Officer: Simon Newcombe, Head of Housing & Health

Exempt: None

Wards Affected: All

Enclosures: Annex A shows how Mid Devon Housing (MDH) is performing under the Regulator of Social Housing Regulator (RSH) management data Tenancy Satisfaction Measures (TSMs) for complaint handling

Annex B shows the MDH results under the RSH perception survey TSMs for complaint handling

Annex C contains the outcome of the required MDH self-assessment against the revised Housing Ombudsman Service (HOS) Complaints Handling Code (the Code).

Annex D provides a summary of lessons learned arising from complaint handling

Annex E (i) shows MDH data relating to complaints received and closed during the financial year

Annex 5 (ii) shows MDH complaints data category during the financial year

Annex F shows the outcome of Ombudsman Determinations

Section 1 – Summary and Recommendation(s)

In summary, the report provides the following information as set out below and contained in Annexes A, B, C, D, E and F.

- An annual update of the regulatory requirements as governed by the Regulator of Social Housing (RSH) in response to published Tenant Satisfaction Measures (TSM's);
- An annual review of how MDH is performing against the RSH's TSMs in complaint handling;
- An overview of recent recommendations, updates and legislative requirements implemented to improve complaint handling;
- An annual review of MDH's self-assessment against the HOS's Code;
- An overview of how MDH uses reports on complaint handling to drive service improvement forward from lessons learnt;
- The outcome of MDH's Perception survey TSMs results in complaint handling;
- An annual update of MDH's complaint handling data for the financial year 2023-24 to Members;
- An overview of determinations of cases investigated by an Ombudsman; and
- An update of the Council's new complaint handling system.

Recommendation:

Members of the PDG are asked to note the report and annexes.

Section 2 – Report

1 Introduction

- 1.1 Increased tenant satisfaction is at the heart of major changes to the regulatory landscape for social housing that have been implemented by the Government. Central to this change is an enhanced complaints handling approach required of social housing providers by the RSH. Overall, it puts in place one of the most comprehensive, proactive consumer regulation regimes covering local government and private social landlords.
- 1.2 The Social Housing (Regulation) Act 2023 (the Act) places the Code onto a statutory footing. It also puts a duty on the HOS to monitor compliance with the Code. With a statutory Code there will be a legal duty on landlords to comply with it. The HOS will be able to intervene with a landlord on the Code even when the HOS have not received a complaint.
- 1.2 This report sets out:
- An overview of the Act;
 - An overview of relevant regulatory requirements as issued by the RSH;

- The RSH's new TSMs which landlords had to start collecting data from April 2023 to be compliant with the Tenant Satisfaction Measure Standard;
- An overview of recent recommendations, updates and legislative requirements implemented to improve complaint handling;
- An update on MDH's compliance with the HOSCode;
- How MDH uses reports on complaint handling to drive service improvement forward from lessons learnt;
- An overview of MDH's performance against the RSH's TSMs in complaint handling;
- An overview of MDH tenants satisfaction against the TSMs in complaint handling;
- An annual update of MDH's complaint handling data for the financial year 2023-24 to Members;
- Determinations of cases investigated by the Ombudsman; and
- An update on the Council's new complaint handling system.

1.3 Annex A shows how MDH is performing against the RSH's TSMs.

1.4 Annex B shows MDH's tenant satisfaction against the TSMs.

1.5 Annex C contains the outcome of MDH's self-assessment against the revised HOS Code. The length, detail and format of the self-assessment are fixed by the HOS and provides the core, transparent basis of measuring compliance with the Code.

1.6 Annex D provides examples of lessons learned from complaint handling during the financial year 2023-24.

1.7 Annex E (i) shows MDH's performance relating to complaints during the financial year 2023-2024.

1.8 Annex E (ii) shows MDH's complaints closed by category during the financial year 2023-24.

1.9 Annex F shows the outcome of Ombudsman Determinations.

2 Social Housing (Regulation) Act 2023

2.1 The Act received royal assent in July 2023.

2.2 The new legislation:

- Strengthens the powers of the RSH to tackle failing social landlords and tenants living in unsafe homes;
- Provides the RSH the power to carry out regular inspections of the largest social housing providers and the power to issue unlimited fines to rogue social landlords;

- Provides additional HOS powers to publish best practice guidance to landlords following investigations into tenant complaints;
 - Provides powers to set strict time limits for social landlords to address hazards such as damp and mould, health & safety;
 - Introduces new qualification requirements for social housing managers (known as the Competency & Conduct Standard);
 - Introduces stronger economic powers to follow inappropriate money transactions outside of the sector; and
 - Introduces new enforcement powers that will be made available to tackle failing social housing landlords who are not pulling their weight in taking swift action to address damp issues and unsafe homes.
- 2.3 These changes will drive forward significant change in holding poor landlords to account, ensuring the needs of tenants are at the heart of government reforms and to improve the quality of life for those living in social housing across the country.
- 2.4 Following the tragic death of Awaab Ishak in 2022, the Government introduced Awaab's Law where all landlords must fix reported health and safety hazards within a strict timeframe.
- 2.5 Overall, this new legislation addresses systemic issues identified following the Grenfell Tower tragedy, not just on the safety and quality of social housing, but about how tenants are treated by their landlords.
- 2.6 The Act provides for a rigorous new regime that will make landlords accountable for the services they give to tenants ensuring that their homes are decent and fit for purpose. The RSH will inspect landlords and will have the power to issue fines and name and shame landlords for poor quality of service. In severe cases, they have the power to instruct landlords properties are brought under new management where the landlord fails to acknowledge and action repairs following investigations by the HOS and RSH.

3 The role of the Regulator

- 3.1 The RSH operates the regulatory framework which contains a number of standards which set out the required outcomes and specific expectations associated with the performance of registered social landlords.
- 3.2 The RSH launched a consultation on a new set of standards for all social landlords in 2023 which was designed to protect tenants and improve the service they received. The new standard requirements will be even stronger and will give tenants greater power to hold their landlord to account when they are under performing. The standards came into force from 1 April 2024.
- 3.3 The standards will:

- Protect tenants by strengthening the safety requirements that all social landlords will be expected to meet;
- Require landlords to know more about the condition of their tenant's homes and the individual needs of the people living in them. Landlords will be expected to use this evidence to provide safe and decent homes with good quality landlord services;
- Make sure landlords listen to tenants complaints and response quickly when they need to put things right; and
- Require landlords to be open and accountable to their tenants and treat them with fairness and respect.

3.4 The Transparency, Influencing and Accountability Standard contains provisions relating to how landlords must be open with tenants and treat them with fairness and respect. This is so that tenants can access services, raise complaints when necessary and influence decision-making and hold their landlord to account.

3.5 What this means for MDH, is that we will be expected to comply with specific requirements of the new standards in relation to complaint handling. Landlords will need to ensure their approach to handling complaints is simple and accessible. The standard requires landlords to be transparent with tenants, treat them fairly and respectfully so they can access services. Tenants must be able to voice concerns where necessary, influence decisions and hold the landlord accountable for their actions.

4 Tenant Satisfaction Measures

4.1 Registered providers of social housing (RPs) are now required to collect and provide information to support effective scrutiny by tenants of their landlord's performance in managing their homes and neighbourhoods.

4.2 As part of the new consumer regulation regime that was introduced in April 2023, the RSH introduced 22 mandatory TSMs, covering five themes. 10 of these measure by landlords directly and 12 are measured by landlords carrying out tenant perception surveys. Three of the specific questions asked relate to complaint handling.

4.3 The TSMs will form part of the key benchmark for all major RPs, including MDH. The emphasis behind these measures is clearly on tenant experience or satisfaction and how tenants feel we are performing alongside management information on repairs, safety, complaints handling and anti-social behaviour.

4.4 MDH are required to submit TSMs data relating to complaint handling to the RSH as shown below:

- TP09: Satisfaction with the landlord's approach to handling complaints
- CH01: Complaints relative to the size of the landlord
- CH02: Complaints responded to within Complaint Handling Code timescales

- 4.5 Annex A outlines how MDH is performing against the RSH's TSMs in complaint handling. The CH01 measure based on the number of complaints the landlord receives for each 1000 homes they own shows that MDH have received 77 Stage 1 and 2 complaints for every 1000 properties. CH02 measure based on the number of complaints responded to within the Code highlighted that MDH responded to 177 (98.3%) of Stage 1 complaints and 40 (93%) Stage 2 complaints in accordance with the Code.
- 4.6 The above figures will differ, as at the time of reporting, there were complaints pending investigations. In addition, we may see an increase of complaints escalated to Stage 2 over the next year. The above figures only show complaints that come under the remit of the RSH's TSMs and do not include non-housing ombudsman complaints.
- 4.7 Annex B shows MDH's tenant satisfaction against the TSMs in complaint handling. TR09 sets satisfaction with the landlord's approach to handling complaints. MDH sent a perception surveys to all tenants during autumn 2023. The outcome of this survey shows 22.2% of tenants were satisfied with MDH's approach to complaint handling. Although this result is low, this result was as expected.

5 Housing Ombudsman Service (HOS)

- 5.1 The role of the HOS is to resolve disputes involving members of the Scheme including making awards of compensation or other remedies when appropriate and supporting effective landlord-tenant dispute resolution by others.
- 5.2 The HOS expects landlords to have in place an effective and positive complaint handling process. This facilitates landlords having insight into the services provided by them and how they are perceived and received by others.
- 5.3 The lessons learned from a complaint can improve the quality and focus of services provided, whether this is to the individual tenant or to a collective group of tenants. The learning process can strengthen landlord and tenant relationships as well as provide a mechanism for encouraging positive tenant engagement.
- 5.4 Following the Act receiving royal assent in July 2023, the new legislation now provides additional HOS powers to publish best practice guidance to landlords following investigations into tenant complaints.
- 5.5 Other significant changes sees it being mandatory for members of the Housing Ombudsman Scheme to comply with the requirements of the Code. Landlords will be expected to comply with the Code, assess against it yearly, publish their findings and submit this to the HOS.

HOS Spotlight reports

- 5.6 The HOS have concentrated on key areas of service provision where they see a high amount of failure in through their casework. They examine the issues and set out recommendations and good practice within their Spotlight reports. Below are some examples of Spotlight reports that the HOS have focussed on during the last year.

HOS Spotlight on Knowledge and Information Management Report

- 5.7 In May 2023, the HOS released their Knowledge and Information Management Spotlight Report. Unlike previous reports which has been concentrated on particular areas of service provisions, such as heating and hot water, damp and mould or noise reports, the HOS focused on the underlying reasons to what leads to service failures within landlord functions. The HOS took the opportunity to look at the data and information needed to allow landlords to provide an effective and efficient service to their tenants and residents, looking at missing, incorrect or misused data.
- 5.8 The HOS noted that they have seen a repeated theme within their investigations work where landlords are failing their tenants/residents due to poor knowledge and information systems. For this reason, these are the key factors to why a landlord fails to provide an adequate service, particularly in the repairs service and in complaint handling.
- 5.9 The lack of good record keeping, not having an adequate system to record and store information has an impact on landlords being able to identify risks, address hazards such as fire safety, asbestos and damp and mould. In addition, it adds barriers to being fully compliant with legal and regulatory requirement. Furthermore, landlords are not able to provide evidence based practice and a high quality service to tenants and residents.
- 5.10 The HOS has noted that good knowledge and information management is crucial to any organisations ability to perform and achieve its end goal. Going forward, there will be a greater emphasis on landlords to ensure their knowledge and information management systems are fit for purpose and can provide the data and information required to provide an efficient and effective housing service.

HOS Spotlight on Attitudes, Respect and Rights

- 5.11 In January 2024, the HOS released their Spotlight report on Attitudes, Respect and Rights - Relationship of Equals. This report focused on attitudes, respect and rights, assesses what it means to be “vulnerable” in social housing in 2024, what “vulnerable” means and how social landlords can better respond to the needs of their tenants.

- 5.12 The report recognises that some vulnerabilities may be seen as short term, for example grief or financial distress, whilst others are long term.
- 5.13 As part of the HOS recommendations, they are looking to define and understand what vulnerable means. The report calls for a statutory definition of vulnerability.
- 5.14 Some examples of recommendations made by the HOS to improve standards include the following:
- Implement a vulnerability strategy in accordance with the Equality Act, Human Rights Act and Care Act;
 - Implement a reasonable adjustments policy;
 - Introduce minimum staff training in areas of dementia friends, customer care, mental health, learning disabilities, sight and hearing loss.
 - That landlords raise awareness about accessibility in regards to tenants accessing their complaints procedure.
- 5.15 The report highlighted that tenants were reporting to them that their landlord did not make reasonable adjustments despite asking their landlord. There were also issues surrounding communications and relationships with the landlord which was broken down to people and processes.
- 5.16 Furthermore, attitudes, belief system, tone and approach by staff were barriers. As well as landlords having a lack of understanding of their landlord obligations under the Equality Act, Care Act as well as statutory obligations within the Landlord & Tenants Act. Furthermore, landlords were failing to make reasonable adjustments on adaptations, communications and when carrying out appointments. Finally, it highlighted that some staff were making unreasonable and insensitive comments when communicating with tenants.
- 5.17 In response to the HOS findings, they have also taken steps to make changes within their own organisation and policies.

6 Vulnerable tenants

- 6.1 The Equality Act 2010 provides a legislative framework to protect the rights of individuals and to advance equality of opportunity for all.
- 6.2 Under the Equality Act 2010 the legal duty to make reasonable adjustments arises in three circumstances:
- Where there is a provision, criterion or practice which puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled
 - Where a physical feature puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled

- Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in comparison with persons who are not disabled.
- 6.3 RPs are expected to make reasonable adjustments when providing services, for example:
- Adapting communications preferences;
 - Providing aids and adaptations to live independently;
 - Using the customer's communication preference throughout the duration of the complaint;
 - Not requesting a complaint to be made in writing where this presents a barrier or disadvantage to the resident due to their disability or additional needs; or
 - Provide information in alternative formats e.g. Braille, large print or on coloured paper.
- 6.4 The HOS has put a greater emphasis on landlords to get to know their tenants vulnerabilities, whether these are temporary or permanent to ensure that they are not being discriminated or disadvantaged due to their vulnerabilities. There is a requirement for landlords to make reasonable adjustments in accordance with legislation requirements and their own policies on vulnerabilities.
- 6.5 The above coincides with the requirement for landlords to have an effective and efficient knowledge and information system in place as explained above to capture information about tenant's vulnerabilities.
- 6.6 In response to this, MDH have reviewed their internal guidance on vulnerabilities and flagging of accounts.

7 Complaints Handling Code

- 7.1 The HOS introduced the Code in July 2020. The Code sets out guidance so that landlords respond to complaints effectively and fairly. The Code was introduced as part of the HOS's new powers in the revised Housing Ombudsman Scheme under the wider consumer-led changes to regulation of social housing.
- 7.2 Since then the Code has been reviewed and recommendations were made by both the HOS and Local Government & Social Care Ombudsman (LGSCO) to strengthen the provisions in the Code to support a more joined up approach to complaint handling as well as to support a positive complaint handling culture. Both Ombudsman's will continue to adhere by their own Code's.
- 7.4 During the consultation period 28 September – 23 November 2023 the HOS and LGSCO consulted with private RPs, local authority RPs, voluntary member so the Housing Ombudsman Scheme, tenants and residents and any other

stakeholder who had an interest in social housing in England to seek views on the proposed changes to the Code.

7.5 The main proposed changes were to seek views about:

- The Code and whether any further improvements could be made to the HOS and LGSCO outlined proposals for monitoring compliance and whether these were transparent, proportionate and fair; and
- What else they might need to consider in fulfilling their new duty effectively and efficiently.

7.6 Following consultation, the HOS published their findings from the consultation. The changes to the Code came into force from April 2024.

7.7 The Code itself did not change dramatically following consultation in the autumn of 2023 but it was an opportunity for the Code to be strengthened and provide clarity to landlords and residents following feedback received. More significantly, the effect of making it a legal requirement means the Code assumes even greater importance. This will lead to the HOS putting in place an approach to monitoring landlord's compliance with the Code.

7.8 The main changes to the Code are set out below:

- There will be a legal duty placed on the HOS to monitor compliance with the Code;
- Landlords have a duty to self-assess against the HOS Code yearly and submit a copy to the HOS by 30 June 2024;
- The self-assessment must also be published on the landlord's websites so that residents are able to easily access it;
- The structure of the complaint's procedure - only 2 stages necessary and clear times set out for responses;
- Landlords are expected to create a positive complaint handling culture through continuous learning and improvement; and
- Landlords are expected to provide easy access to the complaints procedure and ensuring residents are aware of it, including their right to access the HOS.

7.9 In addition, it should be noted that there is a Memorandum of Understanding between the HOS and the RSH which allows the transfer of information with the aim of ensuring that any regulatory failings associated with service delivery as performed by RP's are identified and dealt with appropriately.

Self-assessment against Code

7.10 Landlords including MDH are required to carry out an annual assessment against the Code. This is to ensure their complaint handling is in accordance with the requirements of the Code. Non-compliance of the Code could result

in the landlord being issued with a Complaint Handling Failure Order by the HOS.

- 7.11 The Code acts a guide for tenants which sets out what they can and should expect from their landlord when they raise a complaint. The requirements of the Code also provides tenants information about MDH's complaint handling and the different stages on how to progress their complaint through the internal complaints procedure.
- 7.12 MDH's annual self-assessment against the HOS's Complaints Handling Code is included in Annex C. The length, detail and format of the self-assessment are fixed by the HOS and provides core transparent basis of measuring compliance with the Code. Landlords are expected to review the Code annually or when there has been a major change such as a restructure or merge.
- 7.13 MDH consulted with tenants on their online Consultation Hub and social media pages on the proposed changes to the annual self-assessment form. No responses were received.
- 7.14 Guidance sheets have been provided to staff and contractors working on MDH's behalf on the main changes to the HOS Code.
- 7.15 MDH's self-assessment shows a comprehensive level of compliance with the Code. This means our processes should be considered effective when it comes to handling complaints. Due to the nature of the Code requirements, how MDH handle and evaluate complaints is presently at the highest, most robust and most in-depth level across the Council as a whole.
- 7.16 As a result of MDH's self-assessment against the revised Code, the corporate Complaints and Feedback Policy has been reviewed to take into account changes of the HOS Code and those changes identified by the recent changes to the LGSCO Service Complaint Code. A report went to Cabinet on 4 June 2024 for approval.

8 Learning

- 8.1 Landlords are expected to learn from complaints. The lessons learned from a complaint can improve the quality and focus of services provided, whether this is to the individual tenant or to a collective group of tenants. The learning process can strengthen landlord and tenant relationships as well as provide a mechanism for encouraging positive tenant engagement.
- 8.2 The HOS expects landlords to consider their dispute resolution principles and to learn from complaint outcomes.

Lessons Learned

- 8.3 The report in Annex D shows an overview of the types of complaints the landlord has received, identifies the lessons learned and provides an example of service improvement as a result of complaints closed during the financial

year 2023-24. This list does not include common lessons learned such as improving communications, compliance with policy and procedure or staff/contractor relations.

- 8.4 Within the upheld complaints, some 12 specific lessons learnt were identified and actioned as a result of the service review and continuous improvement process.
- 8.5 MDH also carry out monthly strategic insight/focus meetings to discuss new complaints, identify themes alongside reviewing progress on implementing lessons learnt. Outputs from these meetings are feedback into a structured performance management process which all services managers and team leaders participate in.
- 8.6 During the year, we have also promoted the improvements we have made via our social media pages. In future we will also promote lessons learnt on our webpages.

9 Performance relating to Complaints 2023-24

- 9.1 As set out above, complaint handling performance is reviewed each month at a strategic level with the aim of identifying:
- Any high risk areas of work;
 - Any systemic issues; and
 - Any issues which need to be escalated for discussion at a more senior level.
- 9.2 MDH have seen an increase in Stage 1 and a decrease of Stage 2 complaints during the financial year 2023-24 in comparison to the previous financial year. This means we were able to resolve more complaints at Stage 1 than before i.e. at an earlier stage to the satisfaction of the tenant.
- 9.3 Overall, of the 219 Stage 1 complaints and 53 Stage 2 complaints which were received during the financial year 2023-24 - as at 5 April 2024, 207 or 99.0% of complaints were completed at Stage 1 and 46 or 92.0% were completed at Stage 2. These figures includes all complaints (both HOS complaints and non housing complaints) This compares to 200 or 100% at Stage 1 and 76 or 92.1% at Stage 2, closed in 2022-23.
- 9.4 Some 48.8% or 102 of Stage 1 complaints were upheld during 2023-24. Furthermore, 28.0% or 14 Stage 2 complaints were upheld during 2023-24. Therefore, overall 116 out of 219 complaints were upheld during 2023-24 which is 53.0%. This compares to 44% in 2022-23 and 55% in 2021-23 so remains broadly consistent.
- 9.5 To provide context, MDH have a housing stock of 2,956 properties, of the 219 complaints received in 2023-24 these equate to around 7.41% of our housing properties with 92.59% of properties therefore having no recourse to make a complaint.

- 9.6 We have 3,589 formal tenants living in our properties (2,847 lead tenants and 742 joint tenants) and estimate the overall number of residents (including wider families) living in an MDH property approaches 5,850 at any one time.
- 9.7 A full breakdown of complaints across sixteen categories is provided in Annex E, however a summary of the top and lowest five categories / reasons for complaints is provided below.

Top 5 (most common) complaints categories

1. Non-housing matters from MDH tenants – 16.9%
2. Communication – 14.6%
3. Routine repairs – 14.2%
4. Planned maintenance contractors – 9.6%
5. Tenancy management e.g. communal areas – 9.5%

Bottom 5 (least common) complaints categories

1. Emergency repairs – 0.5%
2. Disabled adaptations – 0.9%
3. Nuisance – 1.8%
4. Allocations and lettings – 2.7%
5. Voids – 2.7%

Aside from complaints which do not directly relate to housing matters (though are still managed by MDH given they originate from tenants), communications complaints, often arising failure to provide a timely update or call back is the most common type of complaint and arguably the most avoidable. Whilst resources and overall pressures within individual roles is a factor this issue requires particular attention given failures typically take greater time to address than the missed communication in the first place and provides a poorer service to the tenant in the first place.

As a consequence there are specific actions identified in a draft MDH Impact Improvement Plan that focus on communication with a focus on time/process and approach.

Routine repairs are the next most common complaint, however this is largely reflective of the volume of activity with many thousands of repairs completed annually. Nonetheless, tenant satisfaction surveys provide additional data and enable specific attention is focused on this key area which run alongside contract management approaches to intervene early in a systematic issues arising from external contractors

- 9.8 There are several functions within MDH that received no complaints in 2023-24, these include largely internally facing support functions as well as some tenant facing services, for example tenant involvement and internal planned maintenance and health and safety related activities.

- 9.9 Further performance information data is provided in more detail in Annex E as required under the Code.

Overall trend

- 9.10 MDH complaint numbers increased from 200 in 2022/23 to 219 in 2023/24 (9.5% overall increase) and equates to 74 complaints per 1,000 properties. Nationally, complaints have continued to increase across the entire social housing sector driven by the regulatory changes and new Code alongside an increase in the national profile of the HOS in particular, with an expectation these will continue to rise during the new financial year.
- 9.11 MDH have also run several recent promotions on our social media pages as well as through our housing newsletter and direct engagement with tenants. All this has been aimed at directly promoting our complaints handling process and highlighting specific issues which may be of concern such as damp and mould. This may be a further factor in driving up our complaints volume as MDH encourage residents to speak to us and submit complaints as required. Nonetheless, proactively demonstrating a transparent and open approach to complaints and learning from these is important to MDH and identified as best practice by both the HOS and RSH.
- 9.12 During May 2024, we also held a joint venture with East Devon District Council, Exeter City Council and other RPs and welcomed the Housing Ombudsman, and our tenants to a “Meet the Ombudsman” event. This was a great opportunity to raise awareness of complaint handling and understanding the service that the HOS provides. Tenants were also given the opportunity to ask the Ombudsman about the service and the work they do.
- 9.13 A positive consequence of these changes are improvements in our ability to listen and understand residents’ concerns with greater insight into collective learning in order to continue to improve how we do things.
- 9.14 To provide further context, nationally complaints across the housing sector continues to rise. The HOS reported in March 2024 that they had seen a 91% increase in cases coming to them in the first 9 months of 2023-24, compared to the same period for 2022-23.
- 9.15 In addition, they have seen a maladministration rate of 72% by quarter 3 compared to 59% in 2022-23. They have awarded compensation of £3.7 million by quarter 3 compared to £1.1 million for the whole of 2022-23. Furthermore, the HOS has made more than 14,000 remedies following their investigations by quarter 3 compared to 6,500 remedies in 2022-23. This compares an overall Ombudsman maladministration rate of 20% for MDH (see Section 10).
- 9.16 Overall, the HOS expects 2024-25 to be a further challenging year for RPs and as a result, the HOS anticipates demand will continue to increase by between 50% and 80% compared to 2023-24. Therefore, MDH can expect to see a continuous increase in complaints received and those escalated to the HOS for

investigation. In turn, this will result in an increase a continued number of tenants exercising their right to refer complaints to the Ombudsman.

10 Ombudsman Determinations

- 10.1 The HOS provides landlord performance data for individual landlords with 5 or more cases determined each year. The data shows an expected correlation between the number of complaints received by the HOS and landlord size.
- 10.2 The landlord performance data provided by the HOS for the financial year 2023/24 will likely not be available until next year.
- 10.3 During 2023/24, we have seen 11 complaints escalated to the HOS and 1 complaint escalated to the LGSCO. This is a significant uplift from a zero or single-figure baseline in previous years and may be reflective of the concerted drive to promote the overall complaints process and Ombudsman role both nationally and locally.
- 10.4 It can take up to a year for MDH to receive the outcome of any complaints escalated to the HOS or the LGSCO - for non-housing matters. Therefore, we can only report the outcome of Ombudsman complaints where we have been provided with a determination to date (5no). Of these:
- 1 at HOS was upheld in full (MDCMS 590) – heating and hot water in the property - moderate level of compensation required:
 - £1,385 compensation (of which £350 already offered by MDH to pay for excess costs of temporary heaters – the remainder for time and trouble and complaints handling)
 - 2 further HOS cases (MDCMS 5762 and 5420) no maladministration found
 - 1 HOS case (MDCMS 6022) where HOS advised that this case does not come under their remit. Tenant could escalate complaint to LGSCO
 - 1 LGSCO case (MDCMS) where the LGSCO have determined they will not investigate the complaint
- 10.5 Therefore, of the Ombudsman cases for 2023-24 determined to date just one (20%) resulted in a determination of maladministration with no severe maladministration identified. Whilst this is one moderate case too many, it currently compares favourably with national maladministration rates for the sector of between 50-70% as set out above. The MDH specific Ombudsman determination data is provided in more detail in Annex F.
- 10.6 In response to HOS determinations, those cases where an outcome of maladministration or severe maladministration was identified, landlords will be held to account. Therefore MDH will be publicly named as a landlord that mishandled how they dealt with one of their formal complaints. In response to this, MDH have complied fully with the Order made by the HOS and apologised to the tenant for their mishandling of their case.

11 New CRM system

11.1 During 2023/24, Mid Devon District Council (the Council) have implemented changes to how residents can access information about the services provided by the Council through a new platform called My Account. Following the implementation of this new system, a new CRM system function is being incorporated to improve complaint handling corporately across the Council. This will be implemented in the financial year 2024-25.

12 Recommendation

12.1 That Members note the report and annexes.

Financial Implications

The activity of MDH is funded through the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls. The HOS charges a mandatory membership fee based on the number of homes in the management of the RP.

Legal Implications

The tenancy agreement defines MDH's relationship with tenants and sets out the rights and responsibilities of both parties. This takes account of legal and regulatory requirements.

The Council is a RP and therefore is required to comply with the regulatory framework operated by the RSH. The regulatory framework has been reviewed. The Transparency, Influencing and Accountability Standard contains provisions relating to the management of complaints.

There is also a requirement for MDH to manage complaints in accordance with the Code which is issued by the HOS. Landlords are expected to self-assess against the Code. Landlords are required to use the learning from complaints to drive service improvement.

Risk Assessment

The Code provides a framework which supports effective complaint handling and prevention alongside learning and development. The Code ensures complaint handling data is being used consistently across landlord functions, promotes engagement and sets out expectations for boards or equivalent governance, senior executives and frontline staff. Landlords have an obligation to comply with the Code. The Code contains guidance and is designed to assist landlords with responding to complaints effectively and fairly.

Impact on Climate Change

None directly arising from this report.

Equalities Impact Assessment

MDH has a collection of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. These are currently being reviewed with the aim of aligning them more closely with the Regulatory Standards. There is a regulatory requirement for RPs to tailor their services to meet the needs of tenants. MDH requests diversity data from tenants to enable compliance to be monitored.

MDH is required to work with people from all sections of society and having an agreed policy ensures that all tenants and other stakeholders are treated in the same way with adjustments being made to meet their needs, as necessary. The Code requires landlords to have an awareness of accessibility so residents can easily be able to access the complaints procedure via several routes.

Relationship to Corporate Plan

Homes and the Environment are a priority for the Council and this includes increasing the supply of affordable homes in the District and also supporting and growing active tenant engagement.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Paul Deal
Agreed by or on behalf of the Section 151
Date: 31 May 2024

Statutory Officer: Maria De Leburne
Agreed on behalf of the Monitoring Officer
Date: 31 May 2024

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 17 May 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 22 May 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Mr Simon Newcombe, Head of Housing & Health
Email: snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background papers:

The Regulatory framework for social housing:

<https://www.gov.uk/guidance/regulator-of-social-housing-and-housing-ombudsman-service-factsheet>

Complaint handling code

<https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>

The Council's current policy and procedures relating to complaints and feedback:

<https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/>

Dispute resolution principle: Learn from outcomes

<https://www.housing-ombudsman.org.uk/landlords-info/principles-dispute-resolution/dispute-resolution-principle-learn-from-outcomes/>

Principles of Dispute Resolution

<https://www.housing-ombudsman.org.uk/landlords-info/principles-dispute-resolution/>

Early resolution

<https://www.housing-ombudsman.org.uk/useful-tools/fact-sheets/early-resolution/>

Complaint Handling Code consultation 2023

[Complaint Handling Code consultation 2023 | HOS \(housing-ombudsman.org.uk\)](#)

Tenant Satisfaction Measures

Tenant Satisfaction Measures Standard - from 1 April 2023 (accessible version) - GOV.UK (www.gov.uk)

HOS Insight Reports

Reports | Housing Ombudsman Service (housing-ombudsman.org.uk)

Meet the Ombudsman Events

<https://www.housing-ombudsman.org.uk/residents/mto/>

ANNEX A

MDH is performing against the Regulator's Tenancy Satisfaction Measures relating to Complaints 2023-24

CH01: Complaints relative to the size of the landlord

Measured by: landlords' management information

This measure will be based on the number of complaints the landlord receives for each 1,000 homes they own.

77 complaints – This is based on 228 stage 1 and 2 complaints with a housing stock of 2956

CH02: Complaints responded to within Complaint Handling Code timescales

Measured by: landlords' management information

This measure will be based on the percentage of complaints the landlord responds to within the times set by the Housing Ombudsman's Complaint Handling Code. All social housing landlords have to follow this Code.

182 of stage 1 complaints received in 2023/24
177 (98.3%) of these complaints were responded on time

46 of stage 2 complaints received in 2023/24
40 (93%) of these complaints were responded on time

Note: The above figures will differ, as at the time of reporting, there were complaints pending investigations. In addition, we may see an increase of complaints escalated to stage 2 over the next year. The above figures only show complaints that come under the remit of the Regulator's Tenancy Satisfaction Measures and do not include non housing ombudsman complaints.

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ANNEX B

Tenant Satisfaction Perception Survey results relating to Complaints 2023-24

Effective handling of complaints

TP09: Satisfaction with the landlord's approach to handling of complaints

Measured by: tenant perception survey

All tenant perception surveys must include this question:

- Have you made a complaint to your landlord in the last 12 months?
- If yes, how satisfied or dissatisfied are you with your landlord's approach to complaints handling?

This measure is based on the percentage of tenants who said they were satisfied.

22.2%

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ANNEX C

MDH self-assessment against the HOS Complaint Handling Code

Appendix A: Self-assessment form

This self-assessment form should be completed by the complaints officer and it must be reviewed and approved by the landlord's governing body at least annually.

Once approved, landlords must publish the self-assessment as part of the annual complaints performance and service improvement report on their website. The governing body's response to the report must be published alongside this.

Landlords are required to complete the self-assessment in full and support all statements with evidence, with additional commentary as necessary.

We recognise that there may be a small number of circumstances where landlords are unable to meet the requirements, for example, if they do not have a website. In these circumstances, we expect landlords to deliver the intentions of the Code in an alternative way, for example by publishing information in a public area so that it is easily accessible.

Section 1: Definition of a complaint

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
1.2	<p>A complaint must be defined as:</p> <p><i>‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.’</i></p>	Yes	<p>The definition used by the Council, in the Mid Devon District Council’s (MDDC) Complaints and Feedback Policy, as published on-line can be found at: https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/how-our-complaints-procedure-works/</p> <p>MDH uses the Housing Ombudsman Service (HOS) definition of a complaint on their housing pages at: https://www.middevon.gov.uk/residents/housing/mid-devon-housing/</p>	<p>The corporate Complaints and Feedback Policy has been amended to take into account recommendations made by the HOS.</p>

1.3	<p>A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord's complaints policy.</p>	Yes	<p>MDH provides the resident the option to raise a formal complaint.</p> <p>All complaints will be dealt with in accordance with MDDC Complaints and Feedback Policy as published on-line can be found at:</p> <p>https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/how-our-complaints-procedure-works/</p>	<p>Guidance will be provided to staff and Contractors working on MDH's behalf.</p>
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1.4	Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.	Yes	<p>In line with our policy relating to Complaints and Feedback, the Council will not treat an initial request for a service to be delivered as a complaint.</p> <p>All service requests will be dealt with in accordance with MDDC Complaints and Feedback Policy as published on-line can be found at: https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/how-our-complaints-procedure-works/</p> <p>Examples of Service Requests are available on the housing webpage at: https://www.middevon.gov.uk/residents/housing/mid-devon-housing/</p>	The corporate Complaints and Feedback Policy has been amended to take into account recommendations made by the HOS.
1.5	A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service	Yes	All complaints will be dealt with in accordance with MDDC Complaints and Feedback Policy as published on-line can be found at:	Guidance will be provided to staff and Contractors working on MDH's behalf.

	request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.		https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/how-our-complaints-procedure-works/ MDH have raised awareness amongst their staff that they must not stop their efforts to address a service request if the matter has been escalated to a formal complaint.	
1.6	An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain.	Yes	MDH send out a range of tenant satisfaction surveys. Each survey response provides clear information on how the person completing the survey can make or escalate their complaint. In accordance with the Regulator of Social Housing requirements, MDH sends out a yearly survey to tenants to measure Tenant Satisfaction Measures (TSM's). This information is submitted yearly to the Regulator.	MDH are updating their surveys to reflect the HOS guidance

Section 2: Exclusions

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
2.1	Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint they must be able to evidence their reasoning. Each complaint must be considered on its own merits	Yes	<p>All complaints will be dealt with in accordance with the Council's Complaints and Feedback Policy as published on-line can be found at:</p> <p>https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/how-our-complaints-procedure-works/</p> <p>The MDDC Complaints and Feedback Policy states under section 10 – Unreasonable, unreasonably persistent and vexatious complaints.</p> <p>The policy identifies situations and ways of responding where a complainant might be considered to be making complaints which are unreasonable, unreasonably persistent and vexatious.</p>	

			<p>The policy contains explicit reference to this: “The policy is intended to assist in managing people by categorising them within these terms and agreeing the actions to be taken”.</p> <p>It also states that: “Officers and Members will endeavor to respond appropriately according to the individual complainant’s needs, and in compliance with our complaints policy, but this guidance is to cover occasions where nothing further can be reasonably done to assist or rectify a real or perceived problem.”</p> <p>The Complaints and Feedback Policy as published on-line can be found at:</p> <p>https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/how-our-complaints-procedure-works/</p>	
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2.2	<p>A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:</p> <ul style="list-style-type: none"> • The issue giving rise to the complaint occurred over twelve months ago. • Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court. • Matters that have previously been considered under the complaints policy. 	Yes	<p>All complaints will be dealt with in accordance with the Council's Complaints and Feedback Policy as published on-line can be found at:</p> <p>https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/how-our-complaints-procedure-works/</p> <p>The MDDC Complaints and Feedback Policy states under section 10 – Unreasonable, unreasonably persistent and vexatious complaints.</p> <p>The policy identifies situations and ways of responding where a complainant might be considered to be making complaints which are unreasonable, unreasonably persistent and vexatious.</p> <p>The policy contains explicit reference to this: “The policy is intended to assist in managing people by categorising them within these terms and agreeing the actions</p>	The corporate Complaints and Feedback Policy has been amended to take into account recommendations made by the HOS.
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			<p>to be taken”.</p> <p>It also states that: “Officers and Members will endeavor to respond appropriately according to the individual complainant’s needs, and in compliance with our complaints policy, but this guidance is to cover occasions where nothing further can be reasonably done to assist or rectify a real or perceived problem.”</p>	
2.3	<p>Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.</p>	Yes	<p>MDH accepts complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds.</p> <p>MDH will use their discretion to accept complaints made outside this time limit where they have good reason to do so. These examples include complaints in regards to health & safety or safeguarding matters and/or conduct of staff matters.</p>	

2.4	If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.	Yes	Mid Devon Housing (MDH) uses a standard template letter which refers to the Complaints and Feedback Policy.	
2.5	Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.	Yes	<p>MDH considers each complaint on its own merit. Where we have reason to not raise and accept a formal complaint, this will be in accordance with their Complaints and Feedback Policy.</p> <p>The Complaints and Feedback Policy as published on-line can be found at: https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/how-our-complaints-procedure-works/</p>	

Section 3: Accessibility and Awareness

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
3.1	Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.	Yes	<p>The Complaints and Feedback Policy states under section 9 the following:</p> <p>9. Assistance for complainants Complaints do not have to be in writing and can be made in whatever format is most suitable for the complainant; this can be by phone, email, writing a letter, using our on-line form, or in person.</p> <p>Complaints can be made on behalf of customers who are unable to make the complaint themselves. Customer Services staff are available to help customers who are unsure what to do.</p> <p>Support can be provided for those who have difficulty reading or writing.</p> <p>Information about the complaints procedure can be provided in an alternative format on request.</p> <p>Information is available on the Council’s webpage at https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/</p> <p>MDH launched in February 2024 guidance to staff in flagging accounts. This enables staff to discuss ways that tenant’s vulnerabilities can be mitigated and agree any reasonable adjustments that can be made to support them when accessing our services.</p>	Guidance will be provided to staff.

			<p>MDH will raise an UDC account flag on their housing management system that alerts staff that a reasonable adjustment has been agreed with the tenant. The tenant is written to and their record is clearly marked that this has been done.</p> <p>MDH have commenced a rolling 2 year programme of gathering information about their tenant's profile through their "Getting to know you project". This will enable us to tailor our services to meet the needs of individual tenants.</p> <p>MDH Vulnerability Policy under section 10.5 provides information about reasonable adjustments to our complaints process.</p> <p>The Vulnerability Policy as published on-line can be found at: Strategies and policies - MIDDEVON.GOV.UK</p> <p>The new corporate complaints system asks the question to the complainant if they have any vulnerabilities that they wish to share with us. This enables to adapt our service accordingly.</p>	
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3.2	Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.	Yes	<p>MDH offers a wide range of different ways to raise a complaint.</p> <p>Information is available on the Housing webpage at: https://www.middevon.gov.uk/residents/housing/mid-devon-housing/</p> <p>Additional information is available on the Council's webpages below:</p> <p>The Complaints and Feedback Policy states under section 9 the following:</p> <p>9. Assistance for complainants</p> <p>Complaints do not have to be in writing and can be made in whatever format is most suitable for the complainant; this can be by phone, email, writing a letter, using our on-line form, or in person.</p> <p>Information is available on the Council's webpage at https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/</p>	<p>The corporate Complaints and Feedback Policy has been amended to take into account recommendations made by the HOS.</p> <p>Guidance will be provided to staff and Contractors working on MDH's behalf.</p>
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3.3	High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.	Yes	MDH welcomes complaints as an opportunity to listen to residents' concerns and take appropriate action to improve services where failures have been identified.	
3.4	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the two stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website.	Yes	<p>The Council's website is accessible. A copy of the Complaints and Feedback Policy is available online and in paper format if requested.</p> <p>Webpages include information about each stage of the complaints process.</p> <p>Information is available on the Council's webpage at https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/</p> <p>Information is available on the Housing webpage at: https://www.middevon.gov.uk/residents/housing/mid-devon-housing/</p>	The corporate Complaints and Feedback Policy has been amended to take into account recommendations made by the HOS.

3.5	The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code	Yes	<p>A copy of the Complaints and Feedback Policy provides information about the Housing Ombudsman and how to contact them.</p> <p>MDH webpages include information about the Ombudsman, Complaint Handling Code and a copy of the self-assessment form.</p> <p>Information is available on the Housing webpage at: https://www.middevon.gov.uk/residents/housing/mid-devon-housing/</p>	The corporate Complaints and Feedback Policy has been amended to take into account recommendations made by the HOS.
3.6	Landlords must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord.	Yes	MDH will provide residents the opportunity to have a representative e.g Friend, family, advocate, councillor or MP to deal with their complaint on their behalf including attendance at meeting. MDH will sought authorisation from the complainant.	
3.7	Landlords must provide residents with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.		<p>Information is available on the Council's webpage at https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/</p> <p>Information is available on the Housing webpage at: https://www.middevon.gov.uk/residents/housing/mid-devon-housing/</p> <p>Information about engaging with the Housing Ombudsman is included in complaint acknowledgements.</p>	

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Section 4: Complaint Handling Staff

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
4.1	Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.	Yes	<p>MDH have a Complaints Officer in post. They are suitably qualified and meet the requirements of the job specification and description for the job role.</p> <p>Our records show that the volume of complaints has increased since the Complaints Officer post was created and therefore the resource to support this area of work is being reviewed with the aim of ensuring that all relevant timescales are met, in line with this Complaints Handling Code</p>	

4.2	The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.	Yes	The Complaints Officer has access to housing records, online filing systems, housing management system and staff at all levels. They have the authority and autonomy to resolve disputes promptly and fairly.	
4.3	Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively	Yes	<p>As part of new staff inductions, they are given the opportunity to shadow the Complaints Officer to learn more about MDH's complaint handling.</p> <p>All staff are suitably trained in the importance of complaint handling.</p> <p>Our records show that the volume of complaints has increased since the Complaints Officer post was created and therefore the resource to support this area of work is being reviewed with the aim of ensuring that all relevant timescales are met, in line with this Complaints Handling Code</p>	

Section 5: The Complaint Handling Process

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
5.1	Landlords must have a single policy in place for dealing with complaints covered by this Code. Residents must not be treated differently if they complain.	Yes	MDH deal with complaints in accordance with their corporate policy on complaint handling. The Complaints and Feedback Policy as published on-line can be found at: https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/how-our-complaints-procedure-works/	The corporate Complaints and Feedback Policy has been amended to take into account recommendations made by the HOS.
5.2	The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.	Yes	MDH has a two stage approach before a complainant has exhausted the Council's internal complaints process.	

5.3	A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.	Yes	MDH only has two stages within their complaints process.	Guidance will be provided to staff and Contractors working on MDH's behalf.
5.4	Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.	Yes	MDH only has two stages within their complaints process. Complaints made about contractors working on behalf of MDH will be expected to go through the Council's internal complaints process	Guidance will be provided to staff and Contractors working on MDH's behalf.
5.5	Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.	Yes	MDH only has two stages within their complaints process. Complaints made about contractors working on behalf of MDH will be expected to go through the Council's internal complaints process	Guidance will be provided to staff and Contractors working on MDH's behalf.
5.6	When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as "the complaint	Yes	MDH uses a standard template which highlights the tenant's complaint and how they would like to resolve the complaint.	

	definition". If any aspect of the complaint is unclear, the resident must be asked for clarification.			
5.7	When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.	Yes	MDH uses a standard template which highlights the tenant's complaint and how they would like to resolve the complaint. Any complaints that do not come under MDH's remit, the complainant will be informed.	
5.8	At each stage of the complaints process, complaint handlers must: <ul style="list-style-type: none"> a. deal with complaints on their merits, act independently, and have an open mind; b. give the resident a fair chance to set out their position; c. take measures to address any actual or perceived conflict of interest; and d. consider all relevant information and evidence carefully. 	Yes	MDH will investigate complaints in a fair and reasonable manner.	
5.9	Where a response to a complaint will fall outside the timescales set out in this Code, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.	Yes	MDH standard letters explains that should there be a delay in responding to their complaint, they will keep the complainant updated.	

			Information is also provided with standard letters about the Housing Ombudsman Service, should they wish to raise any matters with them direct.	
5.10	Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.	Yes	<p>The Complaints and Feedback Policy states under section 9 the following:</p> <p>9. Assistance for complainants Complaints do not have to be in writing and can be made in whatever format is most suitable for the complainant; this can be by phone, email, writing a letter, using our on-line form, or in person.</p> <p>Complaints can be made on behalf of customers who are unable to make the complaint themselves. Customer Services staff are available to help customers who are unsure what to do.</p> <p>Support can be provided for those who have difficulty reading or writing.</p>	Guidance will be provided to staff.

			<p>Information about the complaints procedure can be provided in an alternative format on request. Information is available on the Council's webpage at https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/</p> <p>MDH launched in February 2024 guidance to staff in flagging accounts. This enables staff to discuss ways that tenant's vulnerabilities can be mitigated and agree any reasonable adjustments that can be made to support them when accessing our services.</p> <p>MDH will raise an UDC account flag on their housing management system that alerts staff that a reasonable adjustment has been agreed with the tenant. The tenant is written to and their record is clearly marked that this has been done. This will be reviewed.</p> <p>MDH have commenced a rolling 2 year programme of gathering information about their tenant's</p>	
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			<p>profile through their “Getting to know you project”. This will enable us to tailor our services to meet the needs of individual tenants.</p> <p>MDH Vulnerability Policy under section 10.5 provides information about reasonable adjustments to our complaints process. The Vulnerability Policy as published on-line can be found at: Strategies and policies - MIDDEVON.GOV.UK</p> <p>The new corporate complaints system asks the question to the complainant if they have any vulnerabilities that they wish to share with us. This enables to adapt our service accordingly.</p>	
5.11	Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. Landlords must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Code.	Yes	<p>Complaint investigations will be dealt with in accordance with the Council’s Complaints and Feedback Policy.</p> <p>The Complaints and Feedback Policy as published on-line can be found at: https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-</p>	

			complaints/how-our-complaints-procedure-works/	
5.12	A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.	Yes	MDH have secure files in an electronic document management system where this data is stored.	Guidance will be provided to staff.
5.13	Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.	Yes	MDH have in place remedies to resolve a complaint at any stage of the complaints process. MDH's Compensation Policy explains the different remedies available to resolve a complaint. A copy of MDH's Compensation Policy is available online at: Strategies and policies - MIDDEVON.GOV.UK	
5.14	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence	Yes	The MDDC Complaints and Feedback Policy states under sections 10 and 11 how to deal with unreasonable, unreasonably persistent and vexatious	

	reasons for putting any restrictions in place and must keep restrictions under regular review.		complaints. Information is available on the Council's webpage at https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/	
5.15	Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.	Yes	The MDDC Complaints and Feedback Policy states under sections 10 and 11 how to deal with unreasonable, unreasonably persistent and vexatious complaints. Information is available on the Council's webpage at https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/ MDH will comply with the Public Sector Equality Duty when placing any restrictions on contact due to unacceptable behaviour.	

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Section 6: Complaint Stages

Stage 1

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.1	Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.	Yes	<p>Complaints will be dealt with in accordance with the requirements of the Housing Ombudsman Complaint Handling Code.</p> <p>Complaints will also be dealt with in accordance with MDH's policies and procedures. Copies of all MDH's policies is available online at: Strategies and policies - MIDDEVON.GOV.UK</p> <p>MDH's housing management systems are checked prior to complaint investigations to identify any tenant's vulnerabilities and to check if any reasonable adjustments need to be made to enable the tenant to access MDH's services.</p>	
6.2	Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure <u>within five working days of the complaint being received.</u>	Yes	<p>All complaints will be acknowledged within 5 working days and resolved within 10 working days where possible (Stage 1).</p> <p>Information is available on the Council's webpage at https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/</p>	The corporate Complaints and Feedback Policy has been amended to take into account recommendations made by the HOS.

			<p>Additional Information is available on the Housing webpage at: https://www.middevon.gov.uk/residents/housing/mid-devon-housing/</p> <p>MDH acknowledgement letter provides details of when the tenant can expect a response to their complaint.</p>	
6.3	<p>Landlords must issue a full response to stage 1 complaints <u>within 10 working days</u> of the complaint being acknowledged.</p>	Yes	<p>All complaints will be responded within 10 working days except where there is a good reason to extend the deadline.</p> <p>Information is available on the Council's webpage at https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/</p> <p>Additional Information is available on the Housing webpage at: https://www.middevon.gov.uk/residents/housing/mid-devon-housing/</p>	<p>Guidance will be provided to staff and Contractors working on MDH's behalf.</p>
6.4	<p>Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for</p>	Yes	<p>MDH will only extend complaint deadlines where it is deemed necessary. The complainant will be kept informed via letter or email advising of the delay and will be provided with a new deadline date when a response can be expected.</p>	<p>Guidance will be provided to staff and Contractors working on MDH's behalf.</p>

	response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.			
6.5	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	Yes	MDH extension letter/email provides details of how to contact the Housing Ombudsman Service.	
6.6	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	Yes	Once a stage 1 or stage 2 response has been provided. Where lessons learnt and follow up actions are arising from the complaint. These are passed to the relevant Team/member of staff to follow up and keep the complainant updated. They are expected to provide an update to the Complaints Officer when the lessons learnt have been actioned by a set timeline.	Guidance will be provided to staff.
6.7	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing	Yes	MDH refer residents to the relevant policy, procedure, legislative requirements, statutory obligations and good practice where appropriate to do so.	

	the relevant policy, law and good practice where appropriate.			
6.8	Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.	Yes	MDH will incorporate any new complaints within the original complaint where it deems appropriate to do so. Where this is not the case, a new complaint will be raised and responded to in accordance with their Complaints and Feedback Policy.	
6.9	Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language: <ul style="list-style-type: none"> a. the complaint stage; b. the complaint definition; 	Yes	The relevant information is provided in the Stage 1 response letter.	

	<p>c. the decision on the complaint;</p> <p>d. the reasons for any decisions made;</p> <p>e. the details of any remedy offered to put things right;</p> <p>f. details of any outstanding actions;</p> <p>and</p> <p>g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.</p>			
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Stage 2

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.10	If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.	Yes	MDH only has two stages within their complaints process.	Guidance will be provided to staff and Contractors working on MDH's behalf.
6.11	Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure	Yes	All complaints will be acknowledged within 5 working days and resolved within 10 working days where possible (Stage 1).	The corporate Complaints and Feedback Policy has been amended to take

	within five working days of the escalation request being received.		<p>Information is available on the Council's webpage at https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/</p> <p>Additional Information is available on the Housing webpage at: https://www.middevon.gov.uk/residents/housing/mid-devon-housing/</p> <p>MDH acknowledgement letter provides details of when the tenant can expect a response to their complaint.</p>	<p>into account recommendations made by the HOS.</p> <p>Guidance will be provided to staff and Contractors working on MDH's behalf.</p>
6.12	Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.	Yes	At MDH's stage 1 response letter, the complainant is asked to provide an explanation why they remain dissatisfied with the outcome of their complaint. However, they are not obliged to provide this information. This information is to help to understand why the complainant remains dissatisfied. MDH will make reasonable efforts to understand why the complainant remains dissatisfied.	
6.13	The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.	Yes	Any complaints escalated to stage 2 will be investigated by a member of staff not involved in the original stage 1 complaint investigations.	

6.14	Landlords must issue a final response to the stage 2 <u>within 20 working days</u> of the complaint being acknowledged.	Yes	<p>All complaints will be responded within 10 working days except where there is a good reason to extend the deadline.</p> <p>Information is available on the Council's webpage at https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/</p> <p>Additional Information is available on the Housing webpage at: https://www.middevon.gov.uk/residents/housing/mid-devon-housing/</p>	Guidance will be provided to staff and Contractors working on MDH's behalf.
6.15	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform	Yes	MDH will only extend complaint deadlines where it is deemed necessary. The complainant will be kept informed via letter or email advising of the delay and will be provided with a new deadline date when a response can be expected.	Guidance will be provided to staff and Contractors working on MDH's behalf.

	the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.			
6.16	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	Yes	MDH extension letter/email provides details of how to contact the Housing Ombudsman Service	
6.17	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	Yes	Once a stage 1 or stage 2 response has been provided. Where lessons learnt and follow up actions are arising from the complaint. These are passed to the relevant Team/member of staff to follow up and keep the complainant updated. They are expected to provide an update to the Complaints Officer when the lessons learnt have been actioned by a set timeline.	Guidance will be provided to staff.
6.18	Landlords must address all points raised in the complaint definition and provide clear reasons for	Yes	MDH refer to tenants to the relevant policy, procedure, legislative requirements, statutory obligations and good practice where appropriate to do so.	

	any decisions, referencing the relevant policy, law and good practice where appropriate.			
6.19	<p>Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language:</p> <ul style="list-style-type: none"> a. the complaint stage; b. the complaint definition; c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and g. details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied. 	Yes	The relevant information is provided in the Stage 2 response letter.	

6.20	Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.	Yes	Any complaints escalated to stage 2 will be investigated by a member of staff not involved in the original stage 1 complaint investigations.	
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Section 7: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
7.1	<p>Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:</p> <ul style="list-style-type: none"> • Apologising; • Acknowledging where things have gone wrong; • Providing an explanation, assistance or reasons; • Taking action if there has been delay; • Reconsidering or changing a decision; • Amending a record or adding a correction or addendum; 	Yes	The relevant information is provided in the Stage 1 or 2 response letter.	

	<ul style="list-style-type: none"> • Providing a financial remedy; • Changing policies, procedures or practices. 			
7.2	Any remedy offered must reflect the impact on the resident as a result of any fault identified.	Yes	Any remedy offered is in accordance with the Tenant Compensation Policy. This policy is available to view on the Council's website. Please refer to Appendix 1 under the Tenant Involvement and Empowerment Standard Policy. This can be found at: https://www.middevon.gov.uk/residents/housing/council-housing/strategies-and-policies/	
7.3	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.	Yes	MDH provides clear information to the complainant about the remedy made and by when where applicable.	

7.4	Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.	Yes	MDH take into account good practice and guidance provided by the Housing Ombudsman Service when setting out a remedy.	
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Section 8: Putting things right Section

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
8.1	<p>Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:</p> <ul style="list-style-type: none"> a. the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements. b. a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept; c. any findings of non-compliance with this Code by the Ombudsman; d. the service improvements made as a result of the learning from complaints; e. any annual report about the landlord's 	Yes	<p>A Complaints Handling report is produced yearly to the Homes Policy Development Group.</p> <p>A copy of this report and supporting documents will be available on our housing webpages at: https://www.middevon.gov.uk/residents/housing/mid-devon-housing/</p>	

	performance from the Ombudsman; and f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.			
8.2	The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.	Yes	A Complaints Handling report is produced yearly to the Homes Policy Development Group. A copy of this report and supporting documents will be available on our housing webpages at: https://www.middevon.gov.uk/residents/housing/mid-devon-housing/	
8.3	Landlords must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.	Yes	Mid Devon Housing underwent a housing restructure in 2021. A self-assessment against the Code was undertaken in April 2022.	
8.4	Landlords may be asked to review and update the self-	Yes	MDH will comply with any requirements made by the Housing Ombudsman Service following investigations	

	assessment following an Ombudsman investigation.			
8.5	If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website Landlords must provide a timescale for returning to compliance with the Code.	Yes	In the event that MDH is not able to comply with the Code due to exceptional circumstances they will comply with the requirements stipulated by the Housing Ombudsman Service.	

Section 9: Scrutiny & oversight: continuous learning and improvement

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
9.1	Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.	Yes	MDH see complaint handling as an opportunity to learn from mistakes and implement service improvement as a result of any failure. Recommendations will be highlighted in the lessons learnt of a complaint	
9.2	A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.	Yes	MDH see complaint handling as an opportunity to learn from mistakes and implement service improvement as a result of any failure.	
9.3	Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.	Yes	A Complaints Handling report is produced yearly to the Homes Policy Development Group. This report includes examples of lessons learnt from complaint handling. MDH use their social media pages to promote lessons learnt where we have made improvements following a	

			complaint.	
9.4	Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.	Yes	Monthly Meetings take place to discuss complaint handling between senior staff, managers and Complaints staff. This includes looking at data as outlined under 9.4.	
9.5	In addition to this a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').	Yes	MDH Cabinet holder for Housing is appointed and referred to as the Member Responsible for Complaints.	
9.6	The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.	Yes	MDH Cabinet holder for Housing is appointed and referred to as the Member Responsible for Complaints. A Complaints Handling report is produced yearly to the Homes Policy Development Group. This report includes examples of lessons learnt from complaint handling.	

9.7	<p>As a minimum, the MRC and the governing body (or equivalent) must receive:</p> <ul style="list-style-type: none"> a. regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance; b. regular reviews of issues and trends arising from complaint handling; c. regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and d. annual complaints performance and service improvement report. 	Yes	<p>MDH Cabinet holder for Housing is appointed and referred to as the Member Responsible for Complaints.</p> <p>A Complaints Handling report is produced yearly to the Homes Policy Development Group. This report includes examples of lessons learnt from complaint handling</p> <p>Monthly Meetings take place to discuss complaint handling between managers and Complaints staff. This includes looking at data as outlined under 9.4. This information is shared with MDH's Cabinet holder for Housing.</p>	
9.8	<p>Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:</p> <ul style="list-style-type: none"> a. have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments; 	Yes	<p>MDH includes standard objectives in their service business plan and employee objectives</p>	

	<p>b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and</p> <p>c. act within the professional standards for engaging with complaints as set by any relevant professional body.</p>			
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Annex D – Lessons Learnt

(i) Lessons Learned relating to Complaints 2023-24

Background to service improvement	Lessons Learnt	Service improvement
To improve the standard of information provided in permission letters to tenants	To introduce new working practices that provides clearer information to the tenant	Permission procedure and letters have been updated
To improve communications following the death of a tenant	To provide a quicker turnaround of processing applications to the Public Trustee following death of a tenant	The ownership of this task has been passed to another team to deal with who have more capacity to deal with such matters
To improve complaint letter templates and triaging of complaints	To provide clearer and concise letter responses	New letter templates introduced
To improve information provided on MDH webpages following the death of a tenant	To provide all information that is required following a death of a tenant including a copy of the Will	MDH webpages have been updated with information on what information is required following death of a tenant
To improve information on MDH social media pages in regards to Tenancy Home Checks and Tenancy Fraud.	To publicise information about Tenancy Home Checks and Tenancy Fraud	MDH social media pages were updated with information MDH Tenancy Inspection Policy reviewed and published
To improve information on MDH webpages in regards to accessible properties and local connections	To publicise information about local connections when housing applicants bid for MDH properties To update information that we only adapt properties once a property has been tenanted	MDH web pages were updated

To improve the data collected in regards to complaint handling	To gather information on themes of complaint data to support service improvement	Internal reporting mechanisms have been implemented on complaint handling data
To improve ASB letter templates	To review letter templates	Work in progress
To improve the information we collate during neighbourhood walkabouts	To ensure we are collating and saving information relating to neighbourhood walkabouts	Introduced a simple neighbourhood walkabout sheet which highlights any issues on our estates and any follow up action taken
To improve the information provided to tenants at sign up in regards to the type of tenancy they have	To ensure that tenants are provided with adequate information about the type of tenancy they hold	Information is now provided at sign up
To improve record keeping	To ensure where a tenancy is ended and a person remains at the property that MDH's internal housing management system is updated accordingly	MDH's housing management system is updated
To improve our communications	To return call back requests in a timely manner to avoid delays	Our Housing Apprentice is supporting one of our housing teams to respond to call back requests

ANNEX E

(i) Performance relating to Complaints 2023-2024

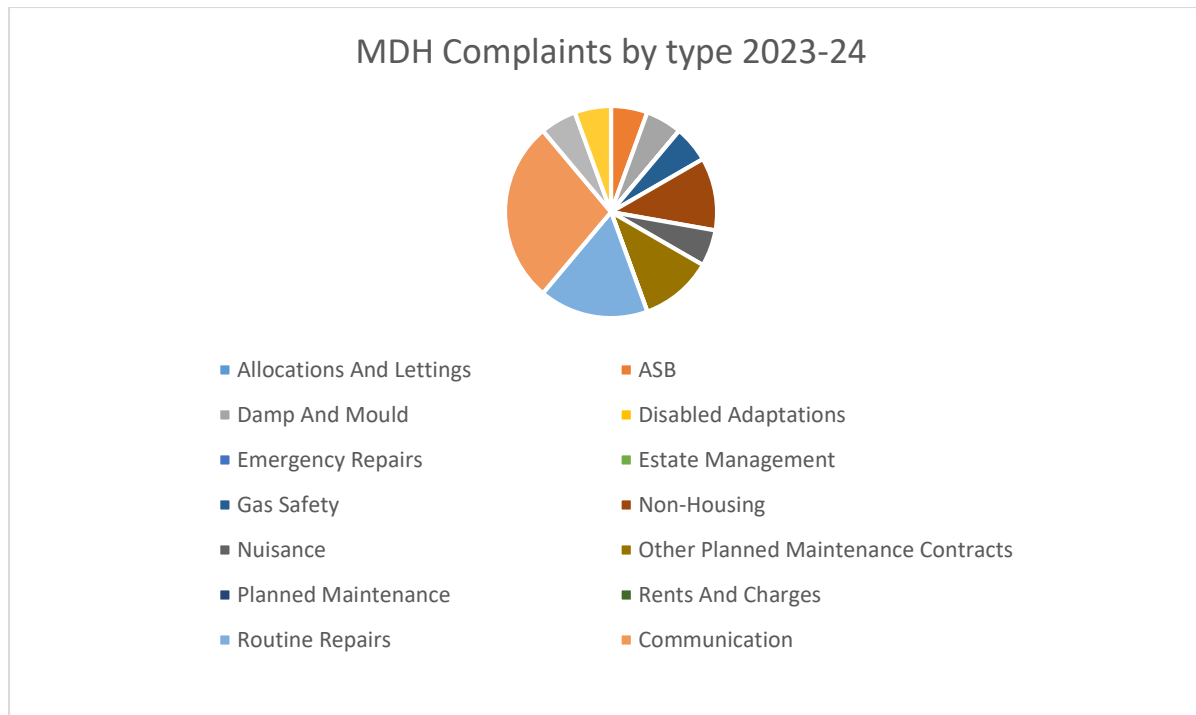
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Stage One Complaints Received													
No. Stage One Complaints	18	18	22	21	13	18	17	16	16	25	18	17	219
Stage One Complaints Closed													
% Stage One Complaints Closed On-time	100.0%	100.0%	95.5%	100.0%	100.0%	100.0%	94.1%	100.0%	100.0%	100.0%	100.0%	100.0%	99.0%
No. Stage One Complaints Closed	18	18	22	21	13	18	17	16	16	25	18	7	209
No. Stage One Complaints Closed On-time	18	18	21	21	13	18	16	16	16	25	18	7	207
% Stage One Complaints Upheld	27.8%	55.6%	40.9%	66.7%	38.5%	55.6%	23.5%	56.3%	43.8%	60.0%	61.1%	42.9%	48.8%
No. Stage One Complaints Closed	18	18	22	21	13	18	17	16	16	25	18	7	209
No. Stage One Complaints Upheld	5	10	9	14	5	10	4	9	7	15	11	3	102
Stage Two Complaints Received													
No. Stage Two Complaints	2	7	6	6	5	6	1	5	4	4	3	4	53
Stage Two Complaints Closed													
% Stage Two Complaints Closed On-time	100.0%	85.7%	100.0%	83.3%	80.0%	100.0%	100.0%	100.0%	75.0%	100.0%	100.0%	100.0%	92.0%
No. Stage Two Complaints Closed	1	7	6	6	5	6	1	5	4	4	3	2	50
No. Stage Two Complaints Closed On-time	1	6	6	5	4	6	1	5	3	4	3	2	46
% Stage Two Complaints Upheld	0.0%	14.3%	33.3%	50.0%	60.0%	16.7%	0.0%	40.0%	0.0%	25.0%	0.0%	50.0%	28.0%
No. Stage Two Complaints Closed	1	7	6	6	5	6	1	5	4	4	3	2	50
No. Stage Two Complaints Upheld	0	1	2	3	3	1	0	2	0	1	0	1	14
Stage One and Two													
% Stage 1 and Stage 2 Complaints Closed On-time	100.0%	96.0%	96.4%	96.3%	94.4%	100.0%	94.4%	100.0%	95.0%	100.0%	100.0%	100.0%	97.7%
Stage 1 and Stage 2 complaints Closed	19	25	28	27	18	24	18	21	20	29	21	9	259
Stage 1 and Stage 2 Complaints Closed On-time	19	24	27	26	17	24	17	21	19	29	21	9	253

The above data includes both Housing Ombudsman Service and non Housing Ombudsman complaints.

(ii) Complaints closed by category 2023-24

Received Complaint Types

Total Received Complaints by Type	18	18	22	21	13	18	17	16	16	25	18	17	219
Allocations And Lettings	0	0	0	0	0	1	1	0	1	2	1	0	6
ASB	1	2	5	0	0	0	2	1	0	2	1	0	14
Damp And Mould	1	1	3	0	0	0	0	1	1	0	2	2	11
Disabled Adaptations	0	1	0	0	0	0	0	0	1	0	0	0	2
Emergency Repairs	0	0	0	0	0	0	0	1	0	0	0	0	1
Estate Management	0	1	1	1	1	0	1	1	1	0	1	1	9
Gas Safety	1	1	1	2	1	0	0	2	1	0	0	0	9
Non-Housing Ombudsman	2	2	2	5	1	1	2	4	1	9	4	4	37
Nuisance	1	0	0	0	1	0	0	0	0	1	0	1	4
Other Planned Maintenance Contracts	2	1	0	2	1	1	1	2	3	4	2	2	21
Planned Maintenance	0	2	0	1	0	1	1	2	0	0	0	0	7
Rents And Charges	0	1	0	2	0	1	2	0	1	0	1	1	9
Routine Repairs	3	2	2	0	2	5	3	1	3	4	3	3	31
Communication	5	0	5	3	3	5	3	1	2	2	1	2	32
Tenancy Management	1	3	1	5	3	3	1	0	0	1	1	1	20
Voids	1	1	2	0	0	0	0	0	1	0	1	0	6



The above data includes both Housing Ombudsman Service and non Housing Ombudsman complaints.

Complaint refusal

MDH have not refused any investigations into complaints during the financial year 2023/24.

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ANNEX F – Ombudsman Determinations

Abbreviations:

HOS – Housing Ombudsman

LGSCO – Local Government & Social Care Ombudsman

MDCMS 5762 - HOS

Outcome:

No maladministration

MDCMS 5960 - HOS

Outcome:

In accordance with paragraph 52 of the Housing Ombudsman Scheme, there was maladministration in the landlord's handling of repairs to the heating and hot water in the property.

In accordance with paragraph 52 of the Housing Ombudsman Scheme, there was service failure by the landlord in its complaint handling

MDCMS 5420 – HOS

Outcome:

In accordance with paragraph 52 of the Housing Ombudsman Scheme, there was no maladministration in relation to the landlord's decision to recharge the resident for repairs upon termination of his tenancy.

In accordance with paragraph 53(b) of the Housing Ombudsman Scheme, the landlord made an offer of redress which, in the Ombudsman's opinion, satisfactorily resolves the matter of the landlord's response to the resident's concerns about the condition of property B when he moved in.

MDCMS 6101 – HOS

Outcome:

HOS advised that this case does not come under their remit. Tenant could escalate complaint to LGSCO.

MDCMS 6022 - LGSCO

Outcome:

LGSCO will not investigate complaint in full. They have advised resident to pursue any loss of income through the courts.

MDH have a number of cases pending with the Housing Ombudsman Service in which we are awaiting the outcome of their investigations.

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**WORK PROGRAMME - HOMES PDG
2024/2025**



Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
10th September 2024				
10.09.24	Housing Initiatives Plan (briefing)			
10.09.24	Draft General Fund and HRA budget for 25/26 (version 1)			
10.09.24 15.10.24 30.10.24 (Cabinet) (Council)	Repairs and Maintenance Policy (New) To receive the new Repairs and Maintenance Policy.		Director of Place and Economy Mike Lowman	
10.09.24 15.10.24 (Cabinet) 30.10.24 (Council)	Right to Buy Policy (New) To receive the new Right to Buy Policy.		Director of Place and Economy Simon Newcombe	

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Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
10.09.24 15.10.24 (Cabinet)	Hoarding Policy To receive the revised Hoarding Policy.		Director of Place and Economy Simon Newcombe	
10.09.24 15.10.24 (Cabinet)	Tenure Reform and Changes to the Tenancy Agreement - Project Plan To receive a project plan to tenure reform		Director of Place and Economy Simon Newcombe	
10.09.24 15.10.24 (Cabinet)	Tenancy Management Policy To receive the revised Tenancy Management Policy.		Director of Place and Economy Simon Newcombe	
19th November 2024				
19.11.24 10.12.24 (Cabinet)	Tenant Compensation Policy To receive the revised Tenant Compensation Policy.		Director of Place and Economy Simon Newcombe	
19.11.24 10.12.24 (Cabinet)	Housing Strategy To receive the revised Housing Strategy.		Director of Place and Economy Simon Newcombe	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
19.11.24 10.12.24 (Cabinet)	Service Standards To receive the Service Standards for Housing.		Director of Place and Economy Simon Newcombe	
19.11.24 10.12.24 (Cabinet)	Tenancy Strategy To receive the revised Tenancy Strategy		Director of Place and Economy Simon Newcombe	
19.11.24 Page 227	Draft General Fund and HRA budget for 25/26 (version 2)		Director of Place and Economy Paul Deal	
19.11.24	Performance Dashboard		Director of Place and Economy Dr Stephen Carr	
18th March 2025				
18.03.25 1.04.25 (Cabinet)	Tenant Involvement Strategy To receive the revised Tenant Involvement Strategy.		Director of Place and Economy Simon Newcombe	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
18.03.25	Performance Dashboard		Director of Place and Economy Dr Stephen Carr	
18.03.25	Chairman's Annual Report for 2024/2025			