

**Report for: HOMES POLICY DEVELOPMENT GROUP**

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Date of Meeting: 13 June 2023

Subject: MID DEVON HOUSING SERVICE DELIVERY REPORT

Cabinet Member: Councillor Simon Clist, Cabinet Member for Housing

Responsible Officer: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Exempt: None

Wards Affected: All Wards

Enclosures: Annexes A, B and C show service activity and performance against specific indicators for Q4 and overall outturn for 2022-23. This is presented to provide a summary of the last financial year also consistent with the performance information presented to the previous Homes PDG in March 2023 for Q1 to Q3.

Annex D shows suggested performance reporting criteria and specific indicators that the Homes PDG may wish receive for Q1 2023-24 going forward. Changes have been made due to introduction of new, national performance metrics called Tenant Satisfaction Measures (TSMs) as well a newly adopted policy of Voids Management – see main report.

**Section 1 – Summary and Recommendation(s)**

The report continues a previous arrangement to provide a quarterly update to Members on enforcement and other activity undertaken by Mid Devon Housing and includes a summary of the final Q4 and outturn for 2022/23 in a format previously applied for consistency. The report further presents how the pending changes to the Regulatory Framework for Housing and consumer-led regulation regime impact on service delivery reporting and performance information provided to members and tenants from 2023/24. It includes a recommended update to what future information is provided as a result of these changes.

### **Recommendation(s):**

- 1. That the PDG notes the outturn performance for 2022/23 as provided in Annexes A, B and C**
- 2. That the PDG approves the revised service delivery performance reporting framework for 2023/24 as set out in Annex D**

## **Section 2 – Report**

### **1 Introduction**

- 1.1 Mid Devon Housing (MDH) has approximately 3,000 homes in its management located across the District.
- 1.2 This report provides a summary of activity and performance for Q4 ending 31 March 2023 and the previously reported data for Q1-Q3 for comparison. It thereby provides an outturn for the whole of 2022-23 against criteria agreed with the previous PDG for consistency.
- 1.3 In accordance with the above, data for 2022/23 is provided under the following categories:
  - Annex A – tenancy enforcement activities
  - Annex B – tenancy safeguarding activities
  - Annex C – building repairs and maintenance

### **2 The Regulatory Framework for Social Housing and changes**

- 2.1 Following the fire at Grenfell Tower in 2017, the Government has been working to implement a new, proactive consumer-led regulation regime for social housing.
- 2.2 This change includes new legislation, as set out in the Social Housing (Regulation) Bill to ensure that the voices of tenants are heard by registered providers of social housing (RPs) such as the Council. Work has begun to reform the way in which the Regulator for Social Housing (RSH) and the Housing Ombudsman work to ensure that the views of tenants are heard.
- 2.3 As part of this transformation strategy, the RSH has published how they will implement a new system and regulatory framework for assessing the work of

social housing providers with regard to the provision of good quality homes and services.

2.4 In April 2023, the existing statutory consumer standards within the regulatory framework were revised, increasing the number of these from four to five. This encompassed the addition of a new standard specifically for the new national performance metrics for social landlords known as Tenant Satisfaction Measures (TSMs). This new standard focuses on increased transparency of performance against the new national benchmarks provided by each of TSMs. It is now mandated that landlords such as MDH collect and publish this new information in the future and therefore it is important that members are fully informed on these measures in the future.

2.5 In time, the RSH expect to extend the consumer standards further and rearrange these under six revised themes shown below. The stated aim of the RSH is that these themes should set out the right outcomes expected of landlords to deliver for tenants.

- Safety
- Quality
- Neighbourhood
- Transparency
- Engagement and accountability
- Tenancy

2.6 The TSMs are a mixture of information received from tenant perception survey and management information we hold direction, all under strictly defined criteria. As a result MDH will be required to undertake independent surveys of tenant satisfaction and to publish this and with the performance management information as a matter of routine in a compliant manner. There is a legal requirement to collect this data with effect from April 2023 and to publish the results for the first 12-months from April 2024.

2.7 The 22 TSMs cover five core areas of activity. Ten of these will be measured by housing providers carrying out annual tenant perception surveys and the remainder will be based on performance data which can be provided quarterly to member though the RSH will require a single report annually. The five core areas or themes are:

- Keeping properties in good repair
- Maintaining building safety
- Respectful and helpful engagement
- Effective handling of complaints
- Responsible neighbourhood management

2.8 A full list of the new TSMs is attached for information in Annex D.

2.9 MDH recently engaged a contractor to undertake a pilot tenant perception survey using the TSM criteria and is now using the data gained to inform service

improvements. A new contractor has been engaged for 2023/24 in partnership with two other Councils locally with retained stock (East Devon and Exeter) and will be collecting the data annually as required by the RSH in accordance with the prescribed methodology.

- 2.10 A new system 'performance hub' for MDH has also been created where performance information and perception survey data are held in a single, verified space and used to inform a dashboard which will be available to tenants to view. It will also be used to populate a range of other performance reported in future including this service delivery report. The aim of the hub was to ensure MDH are fully prepared for the newly extended performance framework and to further increase our understanding of service performance in order to support continuous improvement and ongoing assurance.

### **3 New assurance requirements and reporting**

- 3.1 As result of the changes set out in Section 2, the RSH requires landlords to provide effective assurance to members with regard to relevant, updated performance relating to service delivery. An updated version of the regular quarterly service delivery reports incorporating these national changes is therefore a key part of this assurance and is also an opportunity to refresh any local performance indicators as required, in particular in relation to our updated policy on the management of void properties.

- 3.2 More information on the proposed changes to our regular service delivery reporting is provided below. In presenting this report we also shown how different teams are performed generally in 2022/23 relation to key areas of work that will always have a level of relevance around managing tenancies, income and keeping the homes in our management safe and well maintained. It is proposed that much of this information will continue to be reported under the changes put forward.

- 3.3 Annex D sets out in full the proposed revised performance metrics covering both the new requirements and what information may be retained as previously reported for core areas of MDH performance not specifically covered by a TSM but where tenants and/or members may feel this informative. It is therefore recommend this will form the basis for reporting on performance for the current year 2023/24 onwards. In summary, the updated service delivery report is set out below (quarterly data unless stated):

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

- 3.4 If members of the PDG are minded to agree, then the first revised reporting as set out in Annex D will be for Q1 of 2023/24 which will be provided at the next PDG meeting.

- 3.5 Members of the PDG also have an opportunity to consider whether there are further changes they wish to make regarding service performance and delivery information that they receive.
- 3.6 With regards to complaints performance reporting, whilst the new TSMs include some three measures of complaints, as required, a separate in-depth annual report will be provided on complaints data and key lessons of learning in line with the separate requirements of the Housing Ombudsman Service Complaints Handling Code. The next annual report is therefore provided as separate item at this PDG covering the full period 2022/23.

#### **4 Recommendation**

4.1 The following recommendations are made:

1. That the PDG notes the outturn performance for 2022/23 as provided in Annexes A, B and C
2. That the PDG approves the revised service delivery performance reporting framework for 2023/24 as set out in Annex D

#### **Financial Implications**

The activity of Mid Devon Housing (MDH) 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 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 a registered provider of social housing (RP) and therefore is required to comply with the regulatory framework operated by the Regulator for Social Housing (RSH). The regulatory framework has been reviewed. The Tenant Involvement and Empowerment 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 Housing Ombudsman Service (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 Bill is currently on its way through Parliament and once implemented, this will impact the regulatory framework for social housing with the aim of giving tenants a greater say in service delivery and satisfaction. This Bill is expected to go into statute during 2023.

## **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 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:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 30 May 2023

**Statutory Officer:** Maria De Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 30 May 2023

**Chief Officer:** Simon Newcombe

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

**Date:** 29 May 2023

**Performance and risk:**

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 05 June 2023

**Cabinet member notified:** Yes

#### **Section 4 - Contact Details and Background Papers**

**Contact:** Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

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#### **Background papers:**

Mid Devon Housing strategies and policies:

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

The Regulatory framework for social housing:

<https://www.gov.uk/government/collections/regulatory-framework-requirements>

Tenant Satisfaction Measures

<https://www.gov.uk/government/news/regulator-of-social-housing-to-introduce-tenant-satisfaction-measures-from-1-april-2023>

Complaint handling code

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

White Paper – The Charter for social housing residents

<https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper>

**Annex A - Tenancy Enforcement Activities 2022/23**

<b>Neighbourhood &amp; Community Standard – Housing Revenue Account – Estates Team</b>						
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>YTD</b>	<b>Comments</b>
Fraud cases opened	4	0	2	4	10	Pipeline of cases cannot be fully controlled, but this is an increase from 21/22 from zero that year in part reflecting upskilling of team following staff turnover previous year and refocus on cases following business continuity pressures wider eviction restrictions during the pandemic
Fraud cases referred to an external investigator	4	0	2	4	10	
Acceptable Behaviour Agreements signed	0	1	0	0	1	Lower return from previous reflects new, early intervention and mediation approaches to ASB that were successfully introduced as well as training for new team members. MDH won Resolve Team of The Year award for our work on tackling ASB.
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	0	0	0	0	0	Furthermore, the management of serious anti-social behaviour can be delicate and tricky. There is a need to work in partnership with other agencies including the Police and those which work with vulnerable children, families and adults. Tenants must be given every opportunity to modify their behaviour and any action taken must be both reasonable and proportionate. The figures do not reflect the amount of work undertaken throughout 2022/23 and improvements secured.
Closure Orders – obtained	0	0	0	0	0	
Injunctions sought	0	0	1	0	0	
Evictions on grounds of anti-social behaviour/ other tenancy breach	0	0	0	0	0	



Income Recovery – Housing Revenue Account – Income Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Current dwelling rent arrears at quarter end %	2.42	2.56	3.01	2.41	2.41	<p>0.4% increase on previous year but largely reflective of cost of living pressures and was within target. Outturn for all dwelling rents collected for 2022/23 was £95.6k above budget target amount set against a 95% collection rate.</p> <p>Additional collection pressures are caused by tenants have migrating from Housing Benefit (HB) onto Universal Credit (UC). To put this into context, this continues to increase by c150 tenants per year and is now around 1,000 tenants. Those in receipt of HB are paid by way of rebate directly onto their rent accounts on a weekly basis. Those in receipt of UC are mostly paid directly four weekly in arrears, and are required to make payments themselves once they have received their housing costs as part of their larger UC payment.</p>
Notice of Seeking possession served	50	75	77	91	293	<p>This is an increase from an unusually low of 99 notices in 2021/22 and is also a reflection of cost of living pressures and pandemic legacy.</p> <p>Notices of Seeking Possession are served to highlight to tenants that they owe rent with the aim of prompting engagement. This is largely successful and only a minority of cases have to progress further to court proceedings and potential eviction. Following the pause on possession action at the start of the pandemic, Officers started serving these again in line with policy and procedure in order to make tenants aware of the tenancy breach, and in an effort to establish contact with those who may be experiencing financial difficulties which</p>

						nonetheless had an impact on the overall number of cases in 21/22. It should be noted that there was an extended notice period applicable from the start of 2021/22 which only ended on 25 March 2022. This also created a backlog of cases into and across 2022/23 which combined with cost of living pressures have are the likely underlying reasons for an above average number of notices being required in 2022/23.
Judgement obtained	1	2	5	1	9	During the pandemic MDH changed approach and increased efforts to reach out to those experiencing financial issues in an effort to help them to better sustain their tenancies. During 2021/22 there was an eviction ban until 31 May 2021 to safeguard vulnerable people during the pandemic which had a similar impact to that set out above in creating an overspill leading to a relatively modest increase in cases in 2022/23. Evictions in particular remain action of last resort and are mostly used in cases where the tenant has abandoned the tenancy.
Warrants issued	0	3	2	4	9	
Evictions on grounds of rent arrears	1	1	0	2	4	

## Annex B - Tenancy Safeguarding Activities 2022/23

<b>Neighbourhood &amp; Community Standard – Housing Revenue Account</b>						
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>YTD</b>	<b>Comments</b>
Domestic abuse cases opened	0	0	1	4	5	These statistics reflect the priority given to resolving serious issues even at a time when staffing issues were impacting the Neighbourhood teams. There has been a small increase in number of cases.
Domestic abuse cases referred to Multi-agency Risk Assessment Conference (MARAC)	0	0	0	0	0	Although there were no referrals made, it should be noted that those Neighbourhood Officers who work in the Estates team continue to attend the MARAC on a weekly basis in order to assist in cases involving MDH tenants.
Safeguarding referrals made (to all agencies)	0	3	1	3	8	These statistics again demonstrate the priority given to this area of work but with a small decrease in number non-domestic abuse referrals needing to be made overall.

## Annex C - Service Delivery - Building Repairs and Maintenance 2022/23

<b>Neighbourhood &amp; Community Standard – Housing Revenue Account</b>						
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>YTD</b>	<b>Comments</b>
Decent Homes Standard %	99.8	99.6	99.6	99.6	99.6	Target 100%
Emergency repairs completed on time %	100	100	99.8	99.7	99.9	Target 100%
Urgent repairs completed on time %	99.5	99.1	99.3	99.0	99.2	Target 95%
Routine repairs completed on time %	99.1	97.6	98.6	98.4	98.4	Target 95%
Repairs completed first visit %	99.4	99.3	99.4	99.5	99.4	Target 95%
Gas safety checks %	98.9	98.6	99.3	99.8	99.1	Target 100%. Access has proved difficult on a small number of properties, which has resulted in a small dip below the target of 100%. Updated no-access procedures have been introduced Q4 which should see continued improvement into 2023/24
Fire risk assessments %	100	100	100	100	100	Target 100%
Water safety checks (Legionella) %	99.9	99.8	99.6	99.8	99.8	Target 100%. Access has proved difficult on a small number of properties, which has resulted in a small dip below the target of 100%. Updated no-access procedures have been introduced Q4 which should see continued improvement into 2023/24
Number of void properties at quarter end	59	55	44	61	61	73 in total, 5 held for development and 7 ready to let