
Meeting of the Housing and Safer Communities Select Committee – 24th March 2025

Report of the Director of Housing and Communities

Regulatory Compliance – Tenancy Standard

Purpose of report

1. The purpose of this report is to provide an update to Committee Members on compliance with the Regulator of Social Housing's Tenancy Standard, highlighting any identified concerns or gaps along with actions required to rectify these.

Recommendations

2. It is recommended:-
 - That Committee Members note the current position on compliance with the Regulatory Standard
 - That Committee Members set out any further actions they require from the Housing Directorate to provide assurance of compliance with the Regulatory Standard.

Background

3. The Social Housing Regulation Act (hereinafter referred to as "the Act") received Royal Assent in July 2023, introducing a new regulatory regime for the social housing sector aimed at giving tenants greater powers and improving access to quick and fair solutions to problems.
4. As a result of the Act the Regulator of Social Housing's (RoSH) new consumer regime came into effect on 1 April 2024, including a programme of routine inspections of large social landlords (those with over 1,000 homes).

5. As part of the new regime RoSH will proactively make sure that registered providers are meeting the revised consumer standards, which were published by RoSH on 29 February 2024. Landlords who do not abide by these new rules may face a range of sanctions, including appointing new management or unlimited fines.
6. The revised Standards came into force from 1st April 2024, at the same time as the new inspection regime. There are seven Standards which apply to Council Housing providers as detailed below:
 - Safety and Quality Standard
 - Tenancy Standard
 - Tenant Satisfaction Measures Standard
 - Neighbourhood and Community Standard
 - Transparency, Influence and Accountability Standard
 - Rent Standard
 - Competence and Conduct Standard (not yet in force)

Compliance with the Tenant Satisfaction Measures is included within the wider Transparency, Influence and Accountability Standard.

7. To prepare for inspection, the Directorate Management Team have undertaken a number of actions, as outlined below:
 - Dedicated Co-ordinator in place
 - Self-assessment against each regulatory standard completed by staff
 - Evidence folder/document library in place
 - Deep dive into Regulatory Standards included on each Select Committee agenda for 2024/25
 - Deep dive into Regulatory Standards included on each Housing Assurance Board agenda for 2024/25
 - Newly forming focus groups led by Team managers to develop and implement action plans to address any gaps identified through self-assessment.

Current position

8. Within Tenancy Standard there are 22 areas for which the council are required to demonstrate compliance. These areas are detailed in the table in Appendix 1.
9. Of these 22 areas, the initial self-assessment undertaken by Heads of Service and Team Managers in the housing directorate indicates that the service is compliant with all 22 of them.

10. The rationale for the compliant assessments is set out at a high level within the document in Appendix 1, along with any further immediate actions identified in advance of the directorate compiling a full action plan following completion of the self-assessments across all of the regulatory standards.
11. Self-assessment areas are only considered to be compliant where evidence is available in support. This evidence, which is stored in a central folder, is now being reviewed to ensure it is comprehensive and supports the self-assessment.

Further work required

12. An action plan is being developed to address areas of identified non-compliance across the regulatory standards, including lead officers and timescales for completion. This work is now being taken forward through the newly forming focus groups, which will be led by Team Managers.
13. Once the action plan is finalised this will be shared, along with the full self-assessment with involved customer groups who will also be asked to assess how they think the council is complying with the assessment areas, with a view to triangulating the information to gain an understanding of whether customers view our services differently to how we perceive them to be.
14. The Housing Quality Network (HQN) has developed a self-assessment checklist which supports housing providers in assessing compliance with the regulatory standards, and also with the RoSH Code of Practice as well as some good practice identified by HQN.
15. As the self-assessments are being completed consideration is also being given as to whether the council can demonstrate compliance with the code of practice and any identified good practice examples. Once the action plans to evidence full compliance with the Regulatory Standards themselves have been completed further work will be undertaken to ensure services are compliant with the code of practice and are working towards evidencing wider good practice where appropriate.

Finance

16. Any adjustments to ensure compliance will be met within current budgets.

Law

17. Section 3 of this report sets out the new legislation that the Council must comply with and the steps that have been taken in order to meet its statutory obligations. The actions will need to be monitored to ensure that the actions meet the requirements.

Risk Management

18. Failure to maintain regulatory compliance is a key risk on the Directorate Risk Register and is regularly reviewed.

Equality Impact

19. There are no direct equality impacts arising from this report. However maintaining regulatory compliance has a positive impact upon all Dudley housing tenants and provides assurance that their homes are safe and well managed and that their voice is heard.

Human Resources/Organisational Development

20. There are no direct HR Staffing implications arising from this report.

Commercial/Procurement

21. There are not viewed to be any direct procurement/commercial implications to this report. Should there be any, the Contract Standing Orders will be adhered to.

Environment / Climate Change

22. There are no environmental implications arising directly from this report.

Council Plan

23. The recommendations within this report support the following priorities within the 2024/25 Dudley Council Plan:

- Governance and control
- Leadership and culture
- Delivering for our customers, residents and communities



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Appendices

- Appendix 1 – initial self-assessment against the Tenancy Standard

List of Background Documents

None

Appendix 1 – initial self-assessment against the Tenancy Standard

Tenancy Standard		Current position	Further action required
4a Allocations and lettings			
4a.1	Do you allocate and let your homes in a fair and transparent way that takes the needs of residents and prospective residents into account? (CS)	Yes - Published Allocation policy, review of banding scheme undertaken. Dudley Homes CBL system shows properties advertised and the applicant's band allocated to	Policy review in progress
4a.2	Do you co-operate with local authorities' strategic housing functions and assist local authorities to fulfil their duties to meet identified local housing need? This includes assistance with local authorities' homelessness duties, and through meeting obligations in nominations agreements. (CS)	Yes - As a local authority we own our own stock and house according to the Allocation Policy and work with Registered Providers in line with the nominations agreement. All teams including homelessness work together to provide the service. Housing need is identified through business reports. Housing Strategy Team produce Housing and Homelessness Strategy. Homeless Team produce an annual report.	Recently reviewed the nominations agreement. Annual reviews with RPs format to be reviewed.
4a.3	Do you allocate homes that are designated, designed, or adapted to meet specific needs in a way that is compatible with the purpose of the housing? (CS)	Yes - Housing Occupational Therapy Team involved in identifying and allocating properties that are already adapted or are easily adaptable. Home Improvement Team undertake the adaptations.	

4a.4	Do you deliver services to address under-occupation and overcrowding in your homes? These services should be focused on the needs of residents. (CS)	Downsizing priority is given in the Allocation Policy to older people occupying houses. Priority given to overcrowded households.	Current policy review to recommend awarding under occupation priority for younger people, those in flats and maisonettes
4a.5	Do you take action to prevent and tackle tenancy fraud? (CS)	A number of checks are made both at application stage and at lettings stage to ensure the property has been let to an eligible applicant. There are also fraud warnings on the application and the Housing Options team make referrals to the Fraud team when anomalies are identified. There is an in-house Housing Fraud Team. Trust ID scanners are used for right to buy applications.	To investigate the use of trust ID scanners for pre-tenancy checks.
4a.6	Do you have a fair, reasonable, simple and accessible appeals process for allocation decisions? (CS)	Yes - appeals process in place	
4a.7	Do you record all lettings and sales as required by the continuous recording of lettings (CORE) system? Do you make sure your submissions to CORE are both accurate and timely? (CS)	Yes	

4b Tenancy sustainment and evictions			
4b.1	Do you support residents to maintain their tenancy or licence and help prevent unnecessary evictions? (CS)	Home review program, new tenant visits, referrals, Homelessness Prevention and Response Team (HPRT), winter warmth, escalation policy, debt advice, internal partnership working, PEP, Hubs open in the community, High Rise Living events, tenants and residents meetings, estate inspections and walkabouts, ad hoc visits to vulnerable tenants, partnership work with Fraud. MARAC, statutory partnerships, charity referrals, food bank vouchers, Mash referrals, HSF applications, income and expenditure assessments, successions. Housing Support Team providing generic, substance misuse and intensive family support services, mediation, pre-tenancy workshops and Housing First services.	HPRT referral form revised
4b.2	Where you are seeking to end a tenancy or licence, do you offer affected residents timely advice and assistance including any housing options available to them? (CS)	Yes. Steps taken prior to eviction across multiple teams and engagement with relevant services to avoid legal action. Referrals to HPRT, looking at all options before taking enforcement action for example referrals to all appropriate support services, regular visits and engagement.	
4c Tenure			
4c.1	Do you offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability	Yes. Occasionally have flexible tenure and have joint tenancy agreement for adaptations with conditions in place. Range of sheltered housing, extra care.	

	of the community, and the efficient use of their housing stock? (CS)		
4c.2	Do you meet all the applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation when letting your homes? (CS)	Yes.	
4c.3	<p>Do you publish clear and accessible policies which outline your approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud, and set out:</p> <p>a) The type of tenancies you will grant</p> <p>b) Where you grant tenancies for a fixed term, the length of those terms</p> <p>c) The circumstances in which you will grant tenancies of a particular type</p> <p>d) Any exceptional circumstances in which you will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period</p> <p>e) The circumstances in which you may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property</p>	Yes, all relevant policies and associated procedures are in place	All policies and procedures are currently being reviewed and revised documents will be published for all staff and customers.

	<p>f) The way in which a resident or prospective resident may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term</p> <p>g) Your policy on considering the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability</p> <p>h) The advice and assistance you will give to residents on finding alternative accommodation if you decide not to grant another tenancy</p> <p>i) Your policy on granting discretionary succession rights, taking account of the needs of vulnerable household members. (CS)</p>		
4c.4	<p>Do you grant general needs residents a periodic secure or assured (excluding periodic assured shorthold) tenancy, or a tenancy for a minimum fixed term of five years, or exceptionally, a tenancy for a minimum fixed term of no less than two years, in addition to any probationary tenancy period? (CS)</p>	<p>Yes. Secure or Introductory tenancies.</p>	

4c.5	Before a fixed term tenancy ends, do you provide notice in writing to the resident stating either that you propose to grant another tenancy on the expiry of the existing fixed term or that you propose to end the tenancy? (CS)	N/A - we don't operate fixed term tenancies	
4c.6	Where you use probationary tenancies, do you ensure these are for a maximum of 12 months, or a maximum of 18 months where reasons for extending the probationary period have been given and where the resident can request a review? (CS)	Yes - Introductory tenancies	
4c.7	Have you granted those who were social housing residents on the day on which section 154 of the Localism Act 2011 came into force (and have remained social housing residents since that date), a tenancy with no less security where they choose to move to another social rented home, whether with the same or another landlord? (This requirement does not apply where residents choose to move to accommodation let on affordable rent terms). (CS)	Yes. Transfer or mutual exchange. Included in mutual exchange policy/procedure and recorded in SwapTracker. A home review is also conducted for every mutual exchange.	
4c.8	Have you granted residents who have been moved into alternative accommodation during any redevelopment (or other works) a tenancy with no less	Yes.	

	security of tenure on their return to settled accommodation? (CS)		
4d Mutual exchange			
4d.1	Do you support relevant residents living in eligible housing to mutually exchange their homes? (CS)	The Dudley Website gives advice and a link to Homeswapper which is the mutual exchange site that we are signed up to. We have implemented Swap Tracker, part of HomeSwapper, which provides a customer focussed work flow system.	Further work can be done on suggesting appropriate matches - Housing Options
4d.2	Do you offer a mutual exchange service which allows relevant residents potentially eligible for mutual exchange, whether pursuant to a statutory right or a policy of the registered provider, to easily access details of all (or the greatest practicable number of) available matches without payment of a fee? (CS)	Yes. Home Swapper	
4d.3	Do you publicise the availability of any mutual exchange service(s) you offer to relevant residents? (CS)	Yes - HomeSwapper is advertised on our website and can also be promoted through Facebook and other communication methods available to us	
4d.4	Do you provide support for accessing mutual exchange services to relevant residents who might otherwise be unable to use them? (CS)	Implemented Swap Tracker in April 2024. Where customers may have difficulty completing a Mutual Exchange application they are referred to the Housing Support service.	

4d.5

Do you offer residents seeking to mutually exchange with information about the implications for tenure, rent and service charges? (CS)

Yes. Information / Guidance available on website and during visits implications are explained and forms completed. Advice provided by DCP. The information is also on SwapTracker. Every mutual exchange has a home review where the implications for tenure, rent and service charges are discussed. This is also pointed out to residents in our standard letters and again is discussed during the assignment of tenancy interview (sign up).