

BIRMINGHAM CITY COUNCIL

HOMES OVERVIEW AND SCRUTINY COMMITTEE

THURSDAY, 25 JANUARY 2024 AT 14:00 HOURS
IN COMMITTEE ROOM 6, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 APOLOGIES

To receive any apologies.

3 DECLARATIONS OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

5 - 8

4 **MINUTES**

To confirm the minutes of the meeting held on 23 November 2023.

9 - 10

5 **ACTION TRACKER**

To note the action tracker.

11 - 12

6 **COMMISSIONER'S REVIEW AND COMMENTS ON THE AGENDA**

For the Committee to note the attached comments on the agenda.

13 - 62

7 **REGULATORY COMPLIANCE**

To provide oversight, scrutiny and productive challenge to City Housing while moving towards compliance with the requirements under the Social Housing Regulation Bill and the recommendations from the Housing Ombudsman special report.

Councillor Jayne Francis, Cabinet Member for Housing and Homelessness; Paul Langford, Strategic Director, City Housing; Guy Chaundy, Assistant Director, Housing Strategy and Enabling; Wayne Davies, Director, Asset Management; Stephen Gabriel, Director, Housing Management; Stephen Philpott, Director, Housing Solutions and Support Service; and Naomi Morris, Head of Strategic Enabling, in attendance.

8 **DATE OF THE NEXT MEETING**

To note the date of the next meeting on Thursday 22 February at 1400 hours in Committee Room 6.

63 - 100

9 **REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)**

To consider any request for call in/councillor call for action/petitions (if received).

9a - Request for Call In: Contract Award for the Provision of Repairs & Maintenance 2024-2026

To consider the 'Request for Call-In'.

Councillor Jayne Francis, Cabinet Member for Housing and Homelessness and Wayne Davies, Director for Asset Manager will be in attendance for this item.

The following documents are attached:-

Request for Call-In Cover Report - Contract Award for the Provision of Repairs and Maintenance 2024-2026

Appendix A: Call-In Procedure – Briefing Note

Appendix B: Executive Decision Record

Appendix C: Request for Call

Appendix D: Commissioners Comments on the report.

Appendix D1- D5: Cabinet Report and its appendices (Appendix D2 and D5 are exempt)

10 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

11 **AUTHORITY TO CHAIR AND OFFICERS**

Chair to move:-

'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL**HOMES OVERVIEW AND SCRUTINY COMMITTEE – PUBLIC
MEETING**

**1400 hours on Thursday 23 November 2023, Committee Room 6, Council
House
Minutes**

Present:

Councillor Mohammed Idrees (Chair)

Councillors: Ziaul Islam, Lauren Rainbow, Rinkal Shergill, Ron Storer, Penny Wagg and Ken Wood

Also Present:

Jayne Bowles, Scrutiny Officer

Guy Chaundy, Assistant Director, Housing Strategy and Enabling

Wayne Davies, Director, Asset Management

Stephen Gabriel, Director, Housing Management

Andrew Healey, Finance Business Partner, Housing

Paul Langford, Strategic Director, City Housing

Stephen Philpott, Director, Housing Solutions and Support Service

Amelia Wiltshire, Overview and Scrutiny Manager

1. NOTICE OF RECORDING/WEBCAST

The Chair advised that this meeting would be webcast for live or subsequent broadcast via the Council's Public-I microsite and that members of the press/public may record and take photographs except where there were confidential or exempt items.

2. APOLOGIES

Apologies were received from Councillor Saqib Khan.

3. DECLARATIONS OF INTERESTS

Members were reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

No interests were declared.

4. MINUTES

There were no matters arising from the minutes.

RESOLVED:

That the minutes of the meeting held on 19 October 2023 be confirmed as correct and signed by the Chair.

5. ACTION TRACKER

The Committee noted that a response had been received to the outstanding action from the October meeting in relation to Housing Revenue Account and Temporary Accommodation rent collection figures.

RESOLVED:

That the action tracker be noted.

6. COMMISSIONER'S REVIEW AND COMMENTS ON THE AGENDA

The Committee noted that there were no comments from the Commissioner on the agenda.

7. SCRUTINY OF DELIVERY OF 2023/24 BUDGET SAVINGS

Paul Langford, Strategic Director, City Housing; Guy Chaundy, Assistant Director, Housing Strategy and Enabling; Wayne Davies, Director, Asset Management; Stephen Gabriel, Director, Housing Management; Andrew Healey, Finance Business Partner, Housing, and Stephen Philpott, Director, Housing Solutions and Support Service, were in attendance for this item.

The Chair introduced the report and updated the Committee on the work being undertaken by the Budget Scrutiny Task and Finish Group. The Chair undertook to keep the Committee informed.

During the discussion, and in response to Members' questions, the main points included:

Current Position on Delivery of Savings: The Committee was informed that there were pressures on both the Housing Revenue Account and the General Fund. There were increased expectations regarding the overall level of savings required, not only in terms of generating additional savings, but also bringing savings forward.

It was noted that significant progress had been made, but that it was incredibly difficult to balance the needs of the service and the residents of the city against such a scale of saving.

Housing had generated savings proposals in the order of 17-20% (20% of the controllable budget being £5m) and this was a mix of staffing and non-staffing savings.

There would be a need to reduce the headcount whilst trying to minimise the impact on services supporting the most vulnerable.

The Committee raised concerns regarding the impact on staff morale and reassurance was given that regular communication sessions were being held. Staff remained focussed on delivering the best service for residents. It was noted that prevention rates in housing need and homelessness had risen, averaging around 50% which was at, if not above, the national average.

Investment in Housing Stock: In terms of the Housing Revenue Account, there would be a need to create efficiencies. There was a plan to invest over £1.4b in the 60,000 homes across the city over the next seven to eight years and the Committee noted the importance of strong income streams to support the level of borrowing required to deliver that investment programme.

The proposal was to take a final version of the plan and also the Asset Management Strategy to Cabinet in January.

The Committee noted that in the current financial year investment had more or less doubled compared to 2022/23 and the Asset Management Strategy would set out what the Council wanted to achieve over the next 5 years.

In terms of prioritising investment, this was being done through three areas:

- Data currently held – reference was made to a previous discussion at Committee on the requirement to increase stock condition surveys and the information held on homes.
- Feedback from staff, stakeholders, housing management and technical teams.
- Sharing the programme with contractors for comment.

It was confirmed that as the investment programme was developed, the aim was to share information with ward councillors and Housing Liaison Boards so they would be aware of what was happening in their local areas.

RESOLVED:

That the report be noted.

8. WORK PROGRAMME

Councillor Ken Wood, Chair of the Task and Finish Group, updated the Committee on the Improving Standards of Council Homes Inquiry. It was noted that the inquiry would focus on Voids Standards.

The Committee agreed the new focus for the inquiry and the commencement of evidence-gathering in December and noted that a revised Terms of Reference would be brought to Committee in January.

The Work Programme was discussed, and it was agreed:

- The December meeting would be cancelled and evidence-gathering for the Voids Standards Inquiry would commence.
- Contractor Performance would be included in the Regulatory Compliance report to Committee in January.
- The next Exempt Accommodation Tracking Report would be scheduled for the February meeting.

- A report on Affordable Housing would also be scheduled for February.

RESOLVED:

- That the revised focus of the Inquiry be agreed.
- That the work programme be agreed.

9. DATE OF THE NEXT MEETING

It was noted that, as the meeting scheduled for Thursday 21 December 2023 would be cancelled, the next meeting would be on Thursday 25 January 2024.

RESOLVED:

That the Committee noted the date of the next meeting on Thursday 25 January at 1400 hours in Committee Room 6.

10. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)

None.

11. OTHER URGENT BUSINESS

None.

12. AUTHORITY TO CHAIR AND OFFICERS

RESOLVED:

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

The meeting ended at 1435 hours.

**HOMES O&S COMMITTEE
ACTION TRACKER 2023/24**

Date	Agenda Item	Action	Notes
23 November 2023	Work Programme	Contractor Performance to be included in the Regulatory Compliance report to Committee in January.	
19 October 2023	Scrutiny of Delivery of 2023/24 Budget Savings and Update on Council's Response to Section 114 Notice and Financial Recovery Plan	HRA and Temporary Accommodation rent collection figures to be provided to the Committee.	Emailed to Members on 22 nd November.
	Exempt Accommodation Inquiry Recommendations Tracking Update	Next tracking report to be scheduled for three months' time.	Work Programme updated – report scheduled for February.
21 September 2023	Financial Challenges – Scrutiny Contribution to the Budget Savings and Recovery Plan	Scrutiny of Delivery of 2023/24 Budget Savings to be a standing item on the Committee's agenda.	Work Programme updated.
	Regulatory Compliance	Committee agreed to engage in quarterly meetings specifically on the subject of Landlord Compliance.	Work Programme updated.
20 July 2023	Work Programme	Task & Finish Group to re-visit the Voids Terms of Reference	Task & Finish group established. Outline Terms of Reference for an inquiry on Improving Standards of

**HOMES O&S COMMITTEE
ACTION TRACKER 2023/24**

Date	Agenda Item	Action	Notes
			Council Homes agreed at the September meeting.
		<p>Scrutiny Officers to seek clarification on the following matters raised on behalf of Cllr Wood:</p> <ul style="list-style-type: none"> • Backlog of inspections • Contractor Performance 	<p>Backlog of inspections to be picked up as part of the Regulatory Compliance agenda item at the September meeting.</p> <p>The quarterly HLB performance reports will be shared with committee members – the Q1 2023/24 report was emailed on 13th September.</p>
22 June 2023	Developing the Homes O&S Committee's Work Programme 2023/24	City Housing management structure chart and responsibilities to be shared with Members.	Emailed to Members on 27 th June.

Birmingham City Council
Homes Overview and Scrutiny Committee
25 January 2024



Commissioner's Review

Agenda Item 7: Regulatory Compliance

It is vital that the performance improvements made to date are maintained and accelerated to increase resident satisfaction and provide assurance that the necessary progress is being made on achieving landlord compliance. With the approval of the HRA Business Plan and the Asset Management Strategy, the high-level strategy is in place and the performance and delivery metrics are clear but need to be underpinned with resourced plans that deliver the KPIs and manage risks as they emerge as set out in this update. Complaints performance has improved but greater focus is required to deliver a consistent, acceptable level of performance on complaints handling but with a parallel and vital drive to address the root causes of complaints and over time reduce the volume and escalation of complaints and increase tenant satisfaction, this will be the subject of regular monitoring and management for the remainder of 23-24 and 24-25 onwards.

Birmingham City Council

Homes Overview and Scrutiny Committee

25th January 2024



Subject: Regulatory Compliance
Report of: Paul Langford, Interim Strategic Director for City Housing
Report author: Naomi Morris, Head of Strategic Enabling

1 Purpose

- 1.1 The purpose of this report is to brief the Committee on how the City Housing Directorate have progressed actions that have been driven through regulatory intervention from both the Regulator of Social Housing and Housing Ombudsman. This will specifically cover the last Quarter (October, November, December 2023). Due to the scheduling of Committee meetings, this report will also cover performance in September 2023.
- 1.2 The report also sets out the Directorate's progress, following the implementation of the Social Housing Regulation Act, particularly the need to prepare for a proactive inspection regime, likely to commence in April 2024.

2 Recommendations

- 2.1 It is recommended that the Committee continue to take a proactive role in providing oversight, scrutiny and productive challenge to the Directorate whilst moving towards a position of regulatory compliance.

3 Background

- 3.1 In May 2023, Birmingham City Council were issued with a Regulatory Notice by the Regulator of Social Housing. The Notice relates to a breach of both the Home Standard and Tenant Involvement & Empowerment Standard, which are two of the Consumer Standards, devised to regulate the social housing sector.
- 3.2 The Regulator of Social Housing began their engagement with the Council, following the Housing Ombudsman's special report, published in January 2023.
- 3.3 The Housing Ombudsman responded to several complaints resulting in severe maladministration between 2017-2020. In response, a deep dive audit was undertaken by the Housing Ombudsman between March 2022-September 2022, with a full Paragraph 49 report, published in January 2023.

- 3.4 The Council undertook an intensive period of engagement with the Housing Ombudsman, following the special report. This ended on the 17th April 2023, where the Housing Ombudsman 'signed off' an agreed action plan against the recommendation, giving the Council a 6 month grace period to embed the actions agreed.
- 3.5 As part of the formal monitoring process by the Housing Ombudsman, they made a referral to the Regulator of Social Housing highlighting the findings of their report and sharing their concerns.
- 3.6 This triggered a period between December 2022-March 2023 where the Regulator sent several requests for specific information, beginning with information on damp and mould following the tragic death of Awaab Ishak.
- 3.7 The Regulator of Social Housing were concerned about the information received by the Council and issued a breach Notice reflecting the areas of concern. The Council are one of many Local Authorities to be issued with a breach Notice in the last 12 months, in preparation for the implementation of the Social Housing Regulation Act in April 2024.

4 Progress

- 4.1 The Council initially began providing performance information to the Regulator in April 2023. Appendix 1 (slides 4-8) sets out the progress made in relation to landlord compliance matters between September and December 2023. Programmes have accelerated across all areas, at varying speeds and there are plans in place to increase capacity where required.
- 4.2 Appendix 1 (slide 8) sets out some of the key messages in relation to landlord compliance; including the implementation of True Compliance and direct awards made to support the acceleration of Fire Risk Assessments (FRAs) and asbestos surveys in low-rise blocks.
- 4.3 Appendix 1 (slide 9) sets out our approach to stock condition surveys, a vital component when looking to achieve Compliance against the Decent Homes Standards. The Council are aiming to deliver 20% physical surveys by June 2024, in line with the industry norm. 8,877 surveys have been completed since April 2023 which can be added to the 5837 surveys already held and under 5 years old.
- 4.4 Appendix 1 (slide 10-11) sets out our complaint's performance across a 12-month period, including volumes and completions against SLA timescales. This is a significant area of work as it was complaints performance that alerted the Housing Ombudsman to the Council initially. Slide 13 sets out some initial key messages on progress against the Housing Ombudsman Paragraph 49 report.
- 4.5 As highlighted, SLA responses have improved, they are not yet at a standard that we can be comfortable with. This is because the majority of the internal team have been focusing on reducing historic backlogs and recruiting to existing

vacancies. Appendix 1 (slide 11) provides an update on the overarching backlog and how this is being managed.

- 4.6 The Council have deployed several layers of governance to ensure compliance is managed effectively going forward. In January 2023, an officer led Compliance Board was mobilised so there is a focused meeting to address landlord compliance within the Directorate.
- 4.7 CLT Assurance Board receive regular updates on the compliance position, as does the Cabinet Member, who is provided with a weekly update as part of the Cabinet Member Briefing agenda.

5 Preparation for the Social Housing Regulation Bill

- 5.1 The Regulator of Social Housing recently released a consultation on a proposed set of new Consumer Standards, the Council have until October 2023 to respond. The consultation sets out additional burdens on landlords, following promises the government made to the sector after the Grenfell tragedy in 2017.
- 5.2 The Social Housing Regulation Bill, supplemented by a new set of Consumer Standards are due to launch in April 2024, where a proactive inspection regime will commence.
- 5.3 Whilst the Regulatory Notice issued to the Council addresses some areas of the Consumer Standards, there are several areas which are not considered in the breach. It is imperative that the Directorate continue to prepare for inspection in tandem so that there are no further consequences when an inspection takes place.
- 5.4 Throughout September and early October 2023, a revised self-assessment will be undertaken against the proposed Consumer Standards to give the Directorate an idea of some of the key gaps, informing service plans between now and the inspection period.
- 5.5 The results of the self-assessment are set out in Appendix 2; there are several risk areas that were already understood by the Directorate and acceleration has been made through intervention from both the Housing Ombudsman and the Regulator of Social Housing
- 5.6 Campbell Tickell identified other high-risk areas in their December 2022 review, particularly in relation to visibility in local communities, resident satisfaction, and management of ASB. These areas are closely aligned to the way the service is structured; the Housing Revenue Account (HRA) Business Plan & 2024/20-2025 Rent Setting Report is due to be agreed at Cabinet on the 16th January 2024 which sets out the funding arrangements for necessary structural changes in both the Assets and Housing Management teams. Once this has been signed off, we will be able to progress this, consultation is already ongoing with Trade Unions to support what this might look like moving forwards.

- 5.7 In the meantime, task and finish groups have been set up against each one of the proposed Consumer Standards which meet bi-weekly, working through the detailed actions required to drive forward both quality and compliance in line with the Social Regulation Act and the 'asks' of a more proactive regulatory regime.
- 5.8 Moving forward, we will be working with an external provider (Campbell Tickell) who work very closely with the Regulator of Social Housing and know what they are looking to see. Campbell Tickell will support us with a mock inspection early in Spring 2024.

6 Any Finance Implications

- 6.1 There are several financial commitments that may be required in order to achieve compliance; for example, there has been and will continue to be a requirement to explore direct award opportunities to new and existing contractors to accelerate delivery.
- 6.2 In the main, these have been factored in to the HRA Business Plan that is set for Cabinet on the 16th January 2024, but it is pertinent to point out that there may be further financial implications as the relationship between the Council and the Regulator develops.

7 Any Legal Implications

- 7.1 The Regulatory Notice has several implications; direct grant from arms of government (such as Homes England) is prohibited whilst the Notice is being enforced.
- 7.2 The Regulatory Notice does not currently enforce any legal actions on the service, or the Council as a whole. However, the Regulator have a variety of powers including fines, special advisers being brought into the Council and ultimately taking over sole management for the stock portfolio. This will only become a reality if the Council do not deliver on the outcomes expected of them by June 2024.
- 7.3 Whilst not a legal document, the Council are working on a draft Voluntary Undertaking which will be a public commitment between by the Council, to the Regulator to deliver on the actions set out, in order to address areas of the Regulatory Notice. The document has been signed off by legal and governance colleagues as it is a formal commitment, be it there is no legal standing to enforce.
- 7.4 Appendix 3 is a copy of the Directorate's Consumer Standards Action Plan; this has been shared with the Regulator and has been mutually agreed. Ultimately, the purpose of this document is to demonstrate to the Regulator and across the Council, the key actions that need to be undertaken to achieve overall compliance against the Consumer Standards.

8 Any Equalities Implications

- 8.1 There are no specific equalities considerations to note.

9 Appendices

- 9.1 Appendix 1- Regulatory Compliance update
- 9.2 Appendix 2- October 2023 self-assessment feedback
- 9.3 Appendix 3- Consumer Standards Action Plan

Regulator Meeting

9th January 2024

Paul Langford, Strategic Director of City Housing





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s.114/commissioners update


Verbal update provided by Paul Langford, Strategic Director of City Housing and Jackie Belton, Commissioner for Housing


Progress Definitions:

 Operating at BAU compliance level (no action required outside of normal process)

 Programme is accelerating and is expected to reach BAU compliance by the June 2024 deadline













 Programme is in a neutral position- still expected to reach BAU compliance by the June 2024 deadline

 Programme has decreased but is considered 'within tolerance' and is not anticipated to impact the June 2024 deadline













 Overdue and not expected to meet the June 2024 deadline

- All compliance data will be fully explained, alongside key messages and risks as part of any monthly reporting process
- Several compliance areas may not always demonstrate 100% and this will be because of 'no access,' or further landlord intervention required to undertake the work
- Key messages (next slide) set out relevant points to note

Landlord H&S Compliance- April 2023-December 2023 progress

Compliance area	% Completed April 2023		% Completed for Dec 2023	Number Overdue	Remedial Actions April 2023	Remedial Actions Dec 2023
Gas (domestic)	99.80%		99.94%	40	59	40
Gas (communal)	78.57%		100%	0	1	1
EICR domestic (5 year)	73.69%%		85.38%	8563	870	4234
EICR communal (5 year)	82.01%		84.30%	372	0	11
Asbestos	28.20%		44.61%	11680	0	708
Legionella (block)	100%		100%	0	2	4
Legionella (domestic)	71.12%		78.21%	1847	50	276
Fire Risk Assessments (low-rise)	34.43%		66.21%	734	19	548
Fire Risk Assessments (high rise buildings)	94.74%		100%	0	12	262
Carbon Monoxide (installation)	50.38%		85.60%	8675	0	0
Lifts	95.60%		96.83%	11	0	0
Smoke Detectors %	52.46%		98.43%	1023	0	0

Landlord H&S Compliance- month on month progress

Compliance area	% Completed November 2023		% Completed for Dec 2023	Number Overdue	Remedial Actions November 2023	Remedial Actions Dec 2023
Gas (domestic)	99.65%		99.94%	89	35	40
Gas (communal)	100%		100%	0	1	1
EICR domestic (5 year)	81.37%		85.38%	8563	3399	4234
EICR communal (5 year)	82.01%		84.30%	372	6	11
Asbestos	34.38%		44.61%	12799	708	708
Legionella (block)	100%		100%	0	4	4
Legionella (domestic)	74.84%		78.21%	1847	143	276
Fire Risk Assessments (low-rise)	53.51%		66.21%	734	176	548
Fire Risk Assessments (high rise buildings)	100%		100%	0	41	262
Carbon Monoxide (installation)	85.26%		85.60%	8675	0	0
Lifts	95.60%		96.83%	8	0	0
Smoke Detectors %	98.23%		98.43%	1023	0	0

Remedial Actions- Breakdown

Compliance area	Remedial Actions December 2023	High	Medium	Low	0-30 days overdue	30-180 days overdue	180-365+ days overdue
Gas (domestic)	40		36	4	31	8	1
Gas (communal)	1			1		1	
EICR domestic (5 year)	4234		4234		129	1984	2121
EICR communal (5 year)	11		11			11	
Asbestos	708	25	206	477		708	
Legionella (block)	4			4		4	
Legionella (domestic)	276		212	64	133	143	
Fire Risk Assessments (low-rise)	548	125	91	332	424	124	
Fire Risk Assessments (high rise buildings)	262	120	114	28	98	164	
Carbon Monoxide (installation)	0	No remedial actions- issues addressed at time of installation					
Lifts	0	Area of reduced visibility- inputting remedial actions directly into true compliance, within the implantation plan					
Smoke Detectors %	0	No remedial actions- issued addressed at the point of test					

Remedial actions update:

- FRA remedial actions are now being accurately recorded and categorised due to the implementation of IT process change
- Lifts: process agreed to receive remedial actions from Acivico- being directly embedded into true compliance to prevent duplication of effort.
- EICR (domestic) remedial actions look to be remaining static- 428 closed this month, 245 new actions raised. Contractors are keeping on track with the newly accelerated programme, discussions ongoing re the historic activities moving forward- particularly those between 180-365 days overdue.
- Asbestos remedial actions currently provided in spreadsheet format and manually uploaded- processes are being automated in line with the true compliance implementation

Key Messages:

- True Compliance- implementation plan agreed (attached to supporting documents), fire safety will be the initial workstream, followed by lifts etc. Implementation plan remains on schedule.
- Lifts will be the second workstream implemented in true compliance because of the lack of visibility re remedial actions etc.
- FRA processes are now in place to ensure appropriate records of remedial actions are kept.
- Can now categorise remedial actions for several workstreams and understand the length of time overdue.
- Savills Assurance timescales have been identified, in line with True Compliance implementation- agreeing procurement approach to ensure efficiency
- Carbon monoxide installation- programme has been completed, no access 'mop up' is due to commence in Jan 2024.
- EICR- programme is now accelerating due to sub-contractor procurement, discussions re additional capacity for historic remedial actions.
- Formal agreement at s.151 to procure additional provider to support the acceleration of low-rise asbestos surveys

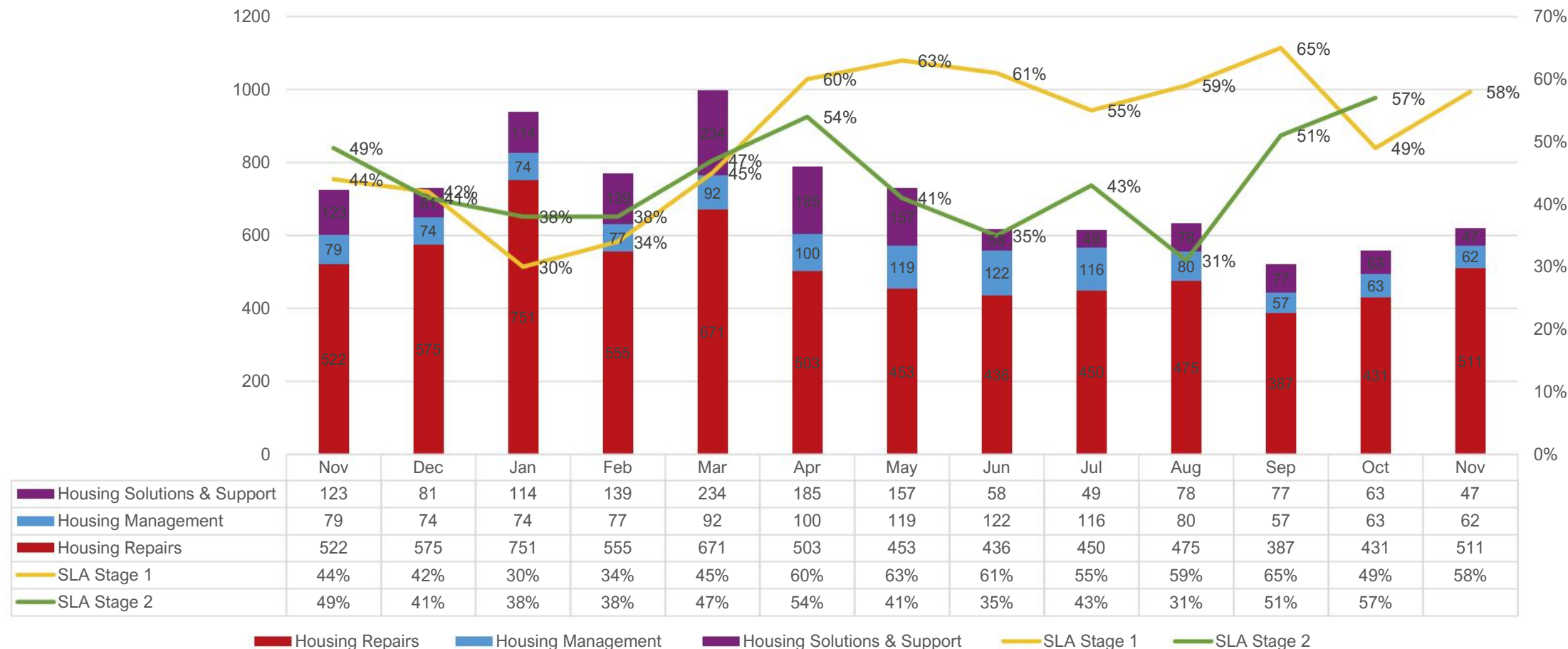
Decent Homes standard- physical assessments undertaken

- Actual stock condition survey (SCS) data:
 - Held on 16827 homes (28.5%)
 - 5837 (9.9%) completed in the last 5 years – considered ‘in date’
 - Sense checking the decency % we have according to the ‘in date’ surveys to give initial estimates
- The 5837 surveys can be added to the newly completed ones below- 3,877 which gives a total of 9,714, aiming to achieve circa 12000 within 12 months (from April 2023)
- RAG rated stock portfolio now on Power BI and automated, including projected investment over 2023/2024
- Procurement of additional stock condition surveys to be delivered via Savills- agreed at s.151

Survey Month	Apr	May	June	Jul	Aug	Sept	Oct	Nov	Dec	Grand Total
Number of Surveys	48	123	199	503	556	593	753	838	264	3,877

Complaints- Volume of complaints received YTD

Complaints received November 2022 – November 2023



Complaints- Backlog and Summary

	Received this month				Backlog			
	Complaints received	Completed within SLA	SLA %	Number into backlog	Total backlog	Difference	backlog cases closed	All cases closed
Feb-23	768	258	34%	510	1598	-	317	575
Mar-23	996	448	46%	548	1641	43	330	778
Apr-23	788	474	60%	314	1864	-109	430	904
May-23	727	457	63%	270	1684	-180	357	814
Jun-23	616	374	61%	242	1520	304	356	730
Jul-23	614	346	55%	268	1321	-199	354	700
Aug-23	657	374	57%	283	966	-355	324	698
Sep-23	531	343	65%	188	908	-58	260	603
Oct-23	594	273	45%	321	857	-51	382	655
Nov-23	641	369	58%	272	849	-8	339	708
Total	6932	3716	54%	3216			3449	7165

Complaints- Key Messages

- SLA performance was significantly lower in October 2023 than September 2023.
- Contributing factors were due to the overtime being stopped pending 151 approval, impacting our ability to use experienced team members to close cases on overtime.
- 2 experienced members of the team left and other experienced staff members supporting the 5 new complaints champions during training so were drawn away from cases management.
- New staff are now starting to own and close cases which has started to impact our SLA performance (See November 2023 increase by 9%) We are now recruiting for the final 2 posts.

Housing Ombudsman Paragraph 49- Key Messages

- Compensation Policy has been formally agreed by Commissioners and is cleared for Cabinet on the 16th January 2024
- Ombudsman are returning for an initial conversation, week commencing the 15th January 2024 to ensure all appropriate actions are embedded.
- Feedback from both the Ombudsman and complaints generally over the last 12 months have been included in the HRM Interim Contract Award for Repairs & Maintenance to ensure KPIs reflect the Ombudsman's recommendations in the long-term.
- 'Tenant talks' took place over December 2023 in all 4 quadrants of the city, off the back of the 'Meet the Ombudsman' event in August 2023, providing residents with the opportunity to share concerns and for the service to learn from their experiences.

Voluntary Undertaking (update):

- Campbell Tickell have been formally commissioned to support us to develop the chronology that will provide assurance that the organisation understands what went wrong, avoiding this from being repeated in the future.
- Phasing schedule is being developed to provide some clarity around timescales for completion in different areas and this will include external assurance.
- HRA Business Plan has been signed off for Cabinet on the 16th Jan 2024, which will formalise our approach to investment and meeting Decent Homes Standards.
- Draft VU will be updated with these changes in mind and shared at the next meeting for comment- confirmation that all parties need to be comfortable before we move forward.

Any Questions?



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Consumer Standards: Self-Assessment Feedback

October 2023

Naomi Morris

Head of Strategic Enabling



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Agenda

- Description of proposed Consumer Standards
- Social Housing Regulation Act (timeframes/next steps)
- Rationale for the Self-Assessment
- Standard 1: Safety & Quality
- Standard 2: Tenancy
- Standard 3: Neighbourhood and Community
- Standard 4: Transparency, Influence and Accountability
- Conclusion/Next Steps
- 'Asks' of Compliance Board

Proposed Standards- Consultation (17th October 2023 end date)

The Transparency, Influence and Accountability Standard

- Engagement structures
- Diversity
- Communication and accessibility
- Complaints management
- Fairness and respect

The Neighbourhood and Community Standard

- Managing communal areas
- Co-operation and local partnerships
- Safety and anti-social behaviour
- Domestic Abuse

The Tenancy Standard

- Allocations
- Tenancy & Lettings
- Sustaining tenancies
- Right of tenure
- Mutual exchange
- Preventing evictions

Safety and Quality Standard

- Landlord H&S compliance
- Decent Homes Standards
- Stock condition/intelligence
- Repairs
- Aids and adaptations

Social Housing Regulation Act (timeframes/next steps)

- Received Royal Assent in July 2023, following government promises post Grenfell
- Consultation with the sector on proposed Consumer Standards (until 17th October 2023)
- Consultation on new fee structure to support infrastructure around the new regime (until 30th October 2023)
- Moving from reactive regime to proactive regime-inspections starting in April 2024, based on first round of TSM data
- Housing Ombudsman Paragraph 49 report issued in January 2023
- Regulatory Notice issued in May 2023



Regulator of
Social Housing

Rationale for the Self-Assessment

Self-assessment has been undertaken based on the Regulator of Social Housing's key principles for regulation

1

Social Housing is well managed

2

Complaints are dealt with fairly and effectively

3

Tenants are treated with fairness and respect and their diverse needs are taken into account

4

Housing meets the decent home standard

5

Housing meets Health and Safety standards

6

Landlords comply with tenancy law and avoid unnecessary evictions

7

Tenants have access to information

8

Tenants can influence decisions and priorities

9

Landlords take tenants' views into account

10

Landlords work with other agencies to enhance the safety and wellbeing of the area

Assessor Principles

- Assessment was undertaken based on the new proposed Consumer Standards; these are different to the original self-assessment undertaken in November 2022
- Assessment toolkit was developed jointly with colleagues from 4oc and Campbell Tickell, taking into consideration comments from ARCH and the Housing Ombudsman
- Assessment was undertaken through the lens of the Regulator of Social Housing, based on the evidence provided and does not take into consideration anecdotal comments where this cannot be clearly supported by evidence
- Assessment gives the Council a baseline understanding against the new standards, it is not a full mock inspection but does incorporate many aspects of what this might entail.
- Both residents and staff were invited to engage in focus groups in this assessment (random selection, representative of tenant base and archetype)- incorporating data from recently completed TSM surveys and complaints information
- Assessment was undertaken by the Strategic Enabling team, who are impartial and not aligned to any of the operational service areas within City Housing

Calculating Risk

High-Risk

- Level of non-compliance would constitute a breach of the proposed Consumer Standards
- Significant risk to life/resident's safety
- Could cause severe reputational damage to the organisation
- Significant distress or inconvenience to residents

Medium Risk

- Level of non-compliance may constitute a breach of proposed Consumer Standards
- Could cause moderate reputational damage to the organisation
- Some distress or inconvenience to residents

Low Risk

- Generally, compliance with the proposed Consumer Standards (with some minor recommendations)
- Opportunity to improve the reputation of the organisation
- Opportunity to enhance the experience of residents

Standard 1: Safety & Quality

The standard has 13 specific expectations attached, 4 areas were assessed as low-risk, 4 areas were assessed as medium risk, and 5 areas were assessed high-risk

Score	Total
Low	4
Medium	4
High	5

High Risk:

- Compliance against Decent Homes standards
- Low levels of stock condition data
- Compliance against landlord H&S standards
- Outdated/inefficient SOPs and IT systems
- Poor data assurance across several H&S areas

Medium Risk:

- Unused monitoring information (repairs)
- Repairs QA process
- Record keeping and recruitment
- Contractor performance- KPIs not tested

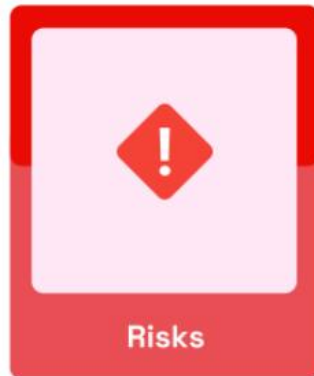
Low Risk:

- Awareness of aids and adaptations processes
- Record keeping (adaptations)
- Monitoring of communal repairs
- Communication with residents (repairs)

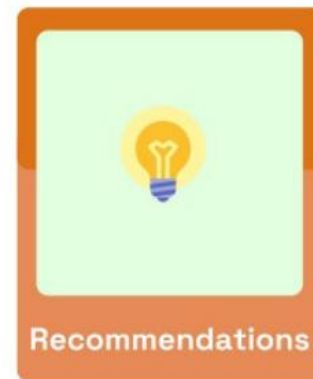
Standard 1: Safety & Quality



- Significant acceleration of landlord H&S programmes since April 2023
- Circa 2400 stock condition surveys completed since December 2022, an additional 6,000 surveys procured
- Asset Management Strategy and HRA Business Plan developed and geared towards Decent Homes
- RAG rated stock portfolio to target investment using a risk-based approach
- QA process developed for the repairs service, following Paragraph 49 report
- Agreement to embed True Compliance IT system



- Decent Homes Standards will take a minimum of 7 years to achieve (current standard only)
- 2400 stock condition surveys undertaken based on an inaccurate specification
- s.151 delays- significant investment will still be required to accelerate landlord compliance programmes, concerns around losing pace
- 100% physical stock condition surveys will take investment away from resident's homes, to fund the programme
- Capacity of the repairs team to undertake QA work is limited- no standard embedded processes



- Accelerate stock condition programme, aiming to achieve 20% per year over 5 years
- Embed QA process for repairs, supported by S&E team to improve capacity
- Implement true compliance to ensure there is accurate data across all landlord H&S areas
- Launch Asset Management Strategy & HRA Business Plan
- Accelerate all landlord H&S compliance, including accurate recording of remedial actions
- Review and update all SOPs across the service area

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Standard 1: Safety & Quality (Qualitative Data)

Residents

'Not difficult to report a repair but the outcome is never achieved'

'Repairs are always a short-term fix; I don't bother to call anymore.'

'Properties should be maintained from the start so we wouldn't need all these repairs'

'I feel okay in terms of the level of safety in my home'

'Contractors literally put cards through the door but never actually knock.'

Staff

'If we don't invest in stock, there is a knock-on impact on repairs, and we suffer from this'

'We have backlogs in lots of complex work areas-comparing asbestos and EICRs is like comparing apples and pears'

'Changes in appointments always leads to repairs, we need a Deliveroo type system..'

'Tenant expectation is very high vs the quality of service, we will never achieve what they want'

'We have put forward business cases for years that never go anywhere'

Standard 2: Tenancy Standard

The standard has 18 specific expectations attached, 8 areas were assessed as low-risk, 8 areas were assessed as medium risk, and 2 areas were assessed high-risk

Score	Total
Low	8
Medium	8
High	2

High Risk:

- Strategic Tenancy Policy is out of date is not followed operationally
- Evidence that incorrect tenancies have been issued and not updated- secure tenancies on PSL properties etc.

Medium Risk:

- Mutual exchange policy to be updated
- Lettings Policy to be launched
- Review website re mutual exchange
- Decant Policy to be reviewed- missing info
- Record keeping and monitoring processes
- Lack of proactive visits- missed opportunities
- TOM implementation
- ASB Policy to be launched

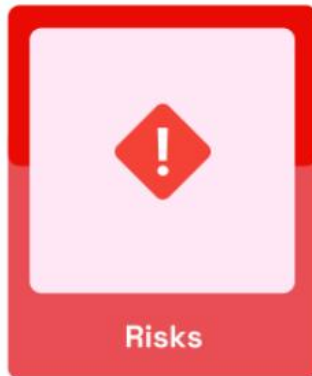
Low Risk:

- Sales record keeping (CORE)
- Review of extended introductory tenancies
- Wisemove awareness/advertising
- Homeswapper awareness/advertising
- Housing Management visiting checklist- encouraging proactive conversations
- LLPs- utilise more effectively
- Monitor and review RSL nominations
- Best use of stock project

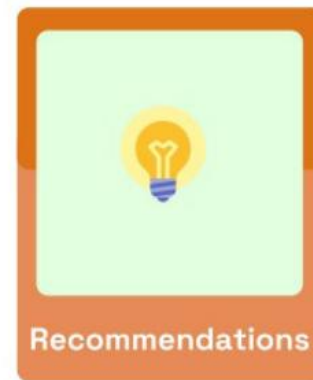
Standard 2: Tenancy Standard



- Allocations Policy is clear and sets out how households are prioritised, in a transparent and open way
- Adapted properties are clearly visible within the shortlisting process
- Wisemove and Homeswapper are both advertised and relatively well used- an opportunity to deliver more through these initiatives
- Lettings are accurately recorded on CORE
- New Lettings Policy is now being implemented and going through sign off processes



- Limited monitoring of tenancies- secure tenancies have been awarded when these should have been fixed term and vice versa
- Lack of governance of the Strategic Tenancy Policy means there is no evidence tenancies are monitored in practice



- Undertake full audit of tenancies, particularly fixed term and secure to ensure these are appropriate and well monitored
- Update Strategic Tenancy Policy and ensure there is a governance structure to review this
- Launch new ASB Policy post consultation
- Review Decant Policy
- Update Mutual Exchange Policy- and website with missing information
- Ensure that tenancies are monitored through the duration of the tenancy and not just at 'sign up'

Standard 2: Tenancy Standard

Residents

'I don't get the Allocations Policy, people talk about right to buy but I don't know what it means or if I can access it.'

'I tried to transfer but I can't use online and had no-one to help me, it is so difficult to understand'

'I know about mutual exchange but wouldn't know where to start'

'I had a really useful officer in the Allocations Team when I applied'

'I can't go to the Neighbourhood Offices to get help anymore because they have closed'

Staff

'Tenants don't always know who to call and it can be difficult for them'

'There is support at the beginning of the tenancy but after that everything goes online and there is very little face to face contact. This goes for all tenants, no matter what their situation is'

'Preventing eviction panel does work really well, some households definitely would have been evicted if we didn't do this'

'No incentive to move, if you are elderly why would you want to go in to high-rise sheltered, makes no sense'

Standard 3: Transparency, Influence & Accountability Standard

The standard has 20 specific expectations attached, 6 areas were assessed as low-risk, 4 areas were assessed as medium risk, and 10 areas were assessed high-risk

High Risk:

- Lack of tenant visits
- Disengaged staff- particularly Housing Management teams
- Diversity and accessibility needs
- Consistency- engagement is not embedded citywide
- Service standards missing in several areas
- Community initiatives, seen as voluntary rather than part of the role
- Complaints management
- TSM position- significantly lower than national average
- Communication and transparency
- Lessons learned- involving tenants

Low Risk:

- Minor amends- complaints policy
- Launch annual report 2022/2023
- Launch online TSM survey
- Submit TSM data (April 2024)

Medium Risk:

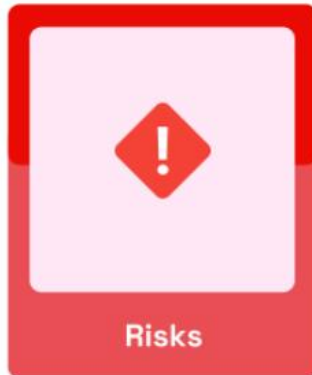
- Self-referral to the RSH to be discussed as part of standard governance
- Housing to be added to BRUM account
- Communication preferences audit

Score	Total
Low	6
Medium	4
High	10

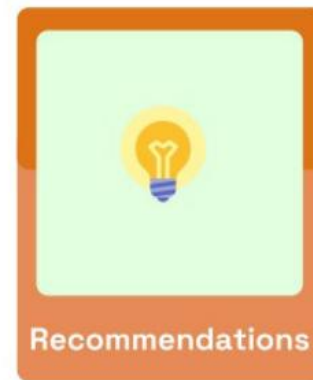
Standard 3: Transparency, Influencing and Accountability



- TSM baseline survey undertaken, Housemark procured as an independent adviser for Q1/Q2-ensuring online and telephone option
- Re-engineering engagement events facilitated by TPAS across a 6-month period to support new structures
- Meet the Ombudsman event
- Links with Poverty Truth Commission, Citizens UK and Fair Housing Birmingham as consultation partner for strategy & policy
- Agreed experts by experience model- embed via Compliance Board



- Disengagement and cultural concerns within the Housing Management function
- TOM model needed to truly embed proactive engagement
- Communication preferences and diversity needs not understood
- Lack of tenant visits and overall face to face interaction
- Time delay around delivering the recommendations from the TPAS review
- Engagement structures are still not representative of tenant base



- Management accountability for feeding in to 'you said, we did' report following TSM feedback
- Complaints performance must continue to stabilise and improve
- Framework for proactive visits, with clear KPIs across each area
- Audit of communication preferences and diversity needs
- Milestone plan for TPAS review, setting out clear deliverables and levels of accountability
- Implement the TOM across all areas, but particularly Housing Management

Standard 3: Transparency, Influencing & Accountability

Residents

'I haven't received any support; I wouldn't even know where to get it.'

'I don't trust the Council and know that I haven't been treated fairly.'

'Nobody comes back to you when you make a complaint, it just gets ignored.'

'I have made multiple complaints about contractors and just never get any proper answer, fobbed off...'

'Housing officers should come into the area and houses more; it would go a long way with us'

Staff

'Tenant engagement is for everyone to do and not just the TPOs'

'There are 164 language, teams try their best..'

'We need to understand the cultural norms, for example we had a resident from Sudan who set fire to his sofa to keep warm...this was normal where he was from'

'We support well up until 12 weeks, but I am sure what comes after that'

'Really poor in terms of taking complaints and answering them in isolation... removed from the service'



Standard 4: Neighbourhood & Community Standard

The standard has 9 specific expectations attached, 2 areas were assessed as low-risk, 4 areas were assessed as medium risk, and 3 areas were assessed high-risk

Score	Total
Low	2
Medium	4
High	3

High Risk:

- Poor response and resident satisfaction re ASB
- Communication around safety
- Prompt action and intervention

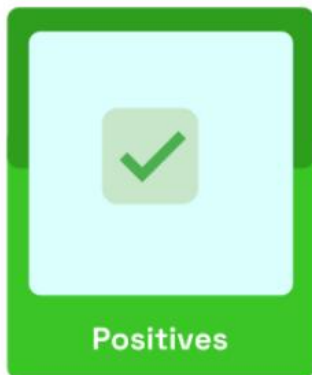
Medium Risk:

- Signposting options and referrals in to support services
- Targeted approach to hate crime, in policy and on the ground
- Visits, practical initiatives and overall general f2f interaction with tenants that is proactive rather than responding to a problem
- Resolving actions derived from estate audits

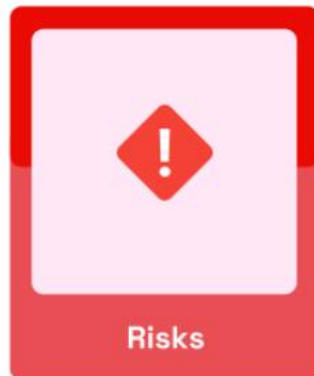
Low Risk:

- Continue working towards achieving DAHA accreditation
- Think Family model and specialist DA services

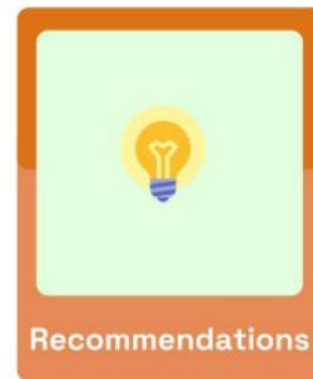
Standard 4: Neighbourhood & Community Standard



- Think Family Model and work towards DAHA accreditation, provides a platform to support vulnerable households
- Strategic link with NAIS and EI&P, supports a focus on a more localised model
- Work with BVT in relation to the development of a Neighbourhood Management Strategy and pilot
- New ASB policy in development, focusing on a more proactive approach



- Handoffs across the service in relation to ASB- structural issue to be addressed via the TOM
- KPIs and Power BI shows poor performance across the board on ASB interventions
- No safety plans in place
- Residents feel that CCTV and security is required
- Lack of frontline engagement in community-based initiatives- visits, regen, complaints management etc.



- Immediately improve response to ASB reports- through embedding safety plans in hot spot areas
- Stronger leadership across the service in relation to ASB monitoring and reporting
- CCTV strategy to be developed
- Implement new TOM, supporting a more user-friendly structure for residents
- More effective collaboration with police, community safety etc.

Standard 4: Neighbourhood & Community Standard

Residents

‘Complained about drug users upstairs and basically asked to do detective work, doing the job for them...’

‘Constantly changed officers and had to start all over again every time’

‘Children weren’t safe due to constant undesirable people in the building’

‘When we report ASB, we want to know what happens after because we are usually scared or at least worried and we never get the outcome’

Staff

‘We need CCTV back; we aren’t protecting our asset or our people without it.’

‘Continual ASB and damage is a regular cause of repair in communal areas’

‘Liaison officers used to have really good knowledge of tenants can we get that back?’

‘We do reactionary work with tenants but don’t always go back to them to let them know what is going on’

‘We are getting more reports and doing more analysis which helps us to put things right’

Conclusion

- There is understanding, oversight and commitment at DMT level to address areas of non-compliance across the board
- Some significant areas of risk but no surprises
- Data is improving all the time; Power BI provides several key reports and areas of visibility, this is a tool that can genuinely be used to manage performance if better utilised
- The Council are catching up- compliance is going to take a long time to address, transparency with both the Regulator and Ombudsman is imperative whilst we work through this.



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ACTION PLAN: HOUSING OMBUDSMAN PARAGRAPH 49- AMBER											
ID	Service Area	Requirement	BRAG	Priority	Tracking	Deadline	Action	Business Lead	SRO	Monthly Update (Commentary)	Status
A1	Business Support	Review and update new Complaints Policy, in line with the Housing Ombudsman Complaint Handling Code		High	On track	01/04/2023	Amend Complaints Policy to make reference to the new Compensation Policy	Joanne Podmore	Wendy Griffiths	18/12/23 - Complaints Policy now live on BCC website - reference made to Compensation Policy.	Closed
A2	Strategic Enabling	Implement updated Compension Policy in line with the Housing Ombudsman financial remedies guidance		Medium	On track	01/01/2024	Embed Oracle systems to ensure compensation payments can be managed consistently by one team	Naomi Morris	Guy Chaundy	26.09.2023- Cost centre has now been set up and Oracle approvals are organised	Closed
A3	Strategic Enabling	Implement updated Compension Policy in line with the Housing Ombudsman financial remedies guidance		High	Not on track	01/01/2024	Develop Compensation Policy to provide some governance around compensation payments for emotional distress	Naomi Morris	Guy Chaundy	18/12/24 - Compensation Policy with Corporate Clearance 18/12 then on agenda for Cabinet January 2024.	Open
A4	Asset Management	Expand capacity within the wider repairs team to support the reduction of complaints backlogs		Medium	Complete	01/01/2024	Recruit additional resource to support the repairs complaints backlog	Asha X Patel	Wayne Davies	04.07.2023- resources are in post (2 x FTE)	Closed
A5	Business Support	Expand capacity within the wider repairs team to support the reduction of complaints backlogs		Medium	Not on track	01/01/2024	Reduce the backlog of overdue complaints, across all areas but particularly repairs	Joanne Podmore	Wendy Griffiths	06.12.2023- Complaints volumes have reduced, SLA responses improved to 65% in September 2023 and backlog reduced to 908. Risk around number of potential additional repairs and winter influx. SLA on stage 1 dropped to 45% in October but this month's figure is currently higher. GK to look at backlog figures from April - December - can this be reported as	Open
A6	Strategic Enabling	Expand capacity within the wider repairs team to support the reduction of complaints backlogs		Medium	Complete	01/01/2024	Recruit internal Ombudsman function and streamline activity to ensure lessons have been learned in relation to determinations	Naomi Morris	Guy Chaundy	04.07.2023- resources in post as of the 12.06.2023	Closed
A7	Business Support	Expand capacity within the wider repairs team to support the reduction of complaints backlogs		High	Not on track	01/01/2024	Recruit to vacancies in the complaints team, increasing capacity to satisfactorily manage SLA timesclaes	Joanne Podmore	Wendy Griffiths	16.11.2023- recruit of complaints vacancies continues to progress, all interviews sucessfully completed- working through pre-employment checks	Open
A8	Business Support	An action plan for cross departmental communication and information sharing to ensure a joined up coherent response to issues.		Medium	Complete	01/01/2024	Ensure there is a robust reporting process and live data stream to support leaders to understand the position around complaints at any given time	Joanne Podmore	Wendy Griffiths	16.11.2023- Power BI dashboard universally available at any given time, performance reported monthly at F&P DMT, CMB and CLT etc.	Open
A9	Business Support	Annual report 2022/2023 is published as part of the overall governance process for complaints handling		Medium	On track	30/09/2023	Develop and publish annual report on complaints performance for the City Council	Joanne Podmore	Wendy Griffiths	16.11.2023- Challenges with IT and accessibility guidelines, enabling the report to be published- escalated through the AD of DTS	Open
A10	Business Support	Identify a lead member on its governing body who will be responsible for monitoring complaint handling performance. This should be communicated across the organisation (including contractors) and publicised to residents.		Low	Complete	01/01/2024	Identify senior lead officer responsible for complaints handling across the Council	Joanne Podmore	Wendy Griffiths	16.11.2023- Responsible officer clear, this will be highlighted as part of the amended Complaints Policy	Closed
A11	Strategic Enabling	A new self-assessment against the Code explaining the actions it intends to take to address areas of non-compliance.		Low	Complete	01/01/2024	Complete a reviewed version of the self-assessment against the Housing Ombudsman Complaint Handling Code	Naomi Morris	Guy Chaundy	04.07.2023- completed and submitted as part of the initial Para 49 submission to the Housing Ombudsman	Closed
A12	Asset Management	Monitor and review repair progress with its contractors to ensure residents do not have to make repeated requests for repairs.		Medium	On track	01/01/2024	Review the dashboards set up in Power BI to monitor service delivery in the repairs area to make sure these are reflective of what is required	Asha X Patel	Wayne Davies	6.12.2023 - Power BI dashboards are finalised, BIO to set up a framework to ensure these are being utilised appropriately 18.12.23 - Recall Report, Right First Time Report, CRE Reports in place - ask from AP of CW to merge data to produce story of customer journey. Recall process changed to recall process - why follow on job required, when carried out etc to enable HOS to challenge contractors - this will be shared with contractors from Jan 24. RFT data indicates performance has been improving as a result of changes made (last 9 months). Contractors to be given access to Power BI - reports to be locked by contractor - AP/AG to check who needs access with contractors - CW to build report.	Open
A13	Asset Management	Expand capacity within the wider repairs team to support the reduction of complaints backlogs		Medium	Not on track	01/01/2024	Recruit to Business Information Officer position to improve record keeping in the repairs function	Asha X Patel	Wayne Davies	20.12.2023 - Ankit Gupta in place effective from 5 November.	Closed
A14	Business Support	Improve overall complaints performance in line with the Housing Ombudsman Complaint Handling Code		Medium	Not on track	01/01/2024	Ensure both Stage 1 and Stage 2 complaints are managed within SLA timescales	Joanne Podmore	Wendy Griffiths	18.12.2023 - S1 performance fell to 45% in October from year high of 65% in September. YTD - 58% S1, 43% S2	Open
A15	Asset Management	Review existing processes and make improvements to the repairs escalation processes, for maximum efficiency/oversight		High	Not on track	01/01/2024	Ensure Power BI reporting flags specific triggers to service leads and these are acted upon	Asha X Patel	Wayne Davies	6.12.2023- Power BI dashboards are finalised, BIO to set up a framework to ensure these are being utilised appropriately 20/12/23 - Outstanding IT piece to develop automatic triggers via NEC - AP to discuss with JH. Existing reports provide relevant information to manually identify properties/areas/archetypes of concern to HOS/BIO for follow-up. Evidence needed of self-service of SSM's accessing data via Power BI. AG to hold BI session with SSM's to show triggers etc. Ask from AP to schedule reports to be issued to SSM's - top 100 etc for follow-up. Offer from CW to deliver training to SSM's	Open
A16	Asset Management	Triage repair requests, accurately classifying them by severity and acting on requests within the period specified in its policy.		High	Not on track	01/01/2024	Power BI reports now in place to target service failure, ensure these are utilised proactively by service leads	Asha X Patel	Wayne Davies	6.12.2023- Power BI dashboards are finalised, BIO to set up a framework to ensure these are being utilised appropriately. 20.1.2023 - Reports have been/are being reviewed for assurance. RTF, WIP, CRE and Recall reports enable identification of service failure issues for escalation/resolution via BIO/HOS.	Open
A17	Asset Management	Integrated systems for voids, repairs and capital works should be in place		High	Not on track	01/01/2024	Review voids lettable standard in line with R&M contract re-procurement	Asha X Patel	Wayne Davies	16.11.2023- This area of work has been affected by the changes to procurement of the R&M contract. Identify whether fundamental changes can be made to the void standard as part of the contract extension. 20.12.23 - AP to discuss with WD for current narrative around scope of void changes given Council's position. Visits and pre-vacation check are in contract now - allows flexibility for addressing issues and reduced opportunity for contractors to give poor performance. Void Standard ensures Safe and Warm- what scope is there to provide beyound this? AP/WD to discuss.	Open
A18	Asset Management	Escalate problem and recurring repairs to someone of appropriate seniority		Medium	On track	01/01/2024	Create report of "top 100" cases by issues (no access, repeat repairs, missed appointments, no contact etc) and implement means of targeting actions	Asha X Patel	Wayne Davies	6.12.2023- Power BI dashboards are finalised, BIO to set up a framework to ensure these are being utilised appropriately. 20.12.2023 - AG/AP reviewing cases to identify issues/triggers for escalation.	Open
A19	Asset Management	Escalate problem and recurring repairs to someone of appropriate seniority		Medium	On track	01/01/2024	Embed automated process for escalating repairs to ensure Senior Management oversight	Asha X Patel	Wayne Davies	24.11.2023 - Report built and oversight via SIG meetings 20.12.2023 - Weeklydaily dashboard in Power BI to include follow-on's	Open
A20	Asset Management	Take a pro-active approach to repairs, making best use of void periods and intelligence to tackle problems before they arise		High	On track	01/01/2024	Systems developed for pro-active decision making around voids, repairs and capital programmes	Asha X Patel	Wayne Davies	06.12.2023 - Reports in place pending validation by HOS and BIO. Auto repairs history - void reports - block reports/RAG report, linked to AMS - November Summit and joined meetings with Capital and Repairs quarterly from January 2024 - TOR for evidence - AP to produce.	Open
A21	Asset Management	Take a pro-active approach to repairs, making best use of void periods and intelligence to tackle problems before they arise		High	On track	01/01/2024	Auto-generate repairs history at void stage and link to Capital programme - share with contractors	Asha X Patel	Wayne Davies	06.12.2023 - IT sorted - AP to confirm how data will be shared with contractors (email or link to BI) 20.12.2023 - AP/AG to investigate whether this can auto-report when a property is changed to PROV in NEC or whether this requires picking up manually via Power BI.	Open
A22	Asset Management	A framework for its record keeping standards, including the standards expected of contractors acting on its behalf		High	On track	01/01/2024	Explore capability for online storage of photos	Asha X Patel	Wayne Davies	20.12.2023 - Unable to store via NEC - DM360 will resolve issue - AG to explore implementation and clarify existing classifications/free text within DM360 are sufficient. Access t contractors systems required - AP chasing.	Open
A23	Asset Management	A framework for its record keeping standards, including the standards expected of contractors acting on its behalf		High	On track	01/01/2024	A standard process and procedure for maintaining records, with an auditable record of action for internal and contractor staff	Asha X Patel	Wayne Davies	6.12.2023 - AP to implement clauses as part of contract - setting up PDA form for contractors with checklist of actions to feed into BI. AP to discuss with JH/CW. 20.12.2023 - AP adding clause v2.1 to contractor agreements to specify note-taking requirements - ask whether contrctors can complete via PDA to interface with NEC. BCC access to contractor systems is inn contract - firewall issues preventing - BCC have view access to Maintain system - AP to check why not being used.	Open
A24	Asset Management	An action plan for how it intends to embed the use of the framework throughout the landlord and its contractors to ensure people have access to relevant information when needed. In particular, that its complaint handling staff have access to appropriate and relevant records when responding to complaints		High	On track	01/01/2024	Repairs staff using Contact function and testing effectiveness, then rolling out training to relevant staff with BIO support	Asha X Patel	Wayne Davies	6.12.2023 - Contact function being used - training to be developed and delivered - SIG groups, SD groups, HM wider team meetings, P49 meeting with HM; DMT - embed through interim contract. Clarity needed on Action Plan format. 20.12.2023 - DP training AG/KC on Contact function - backtracking 3-6 months to capture all contacts. This is managed via Customer Services - AP to ask NEC can change to link directly to repairs. DP will train team on contact functionality then to wider team as part of standard NEC training. Contact report will then work via Power BI.	Open

[illegible]

[illegible]

0550W

ACTION PLAN: TRANSPARENCY, INFLUENCE & ACCOUNTABILITY-AMBER											
ID	Service Area	Requirements	RBAS	Priority	Timeline	Deadline	Action	Business Lead	BRO	Monthly Update / Comment	Status
A1	Housing Management	Registered providers must use relevant information and data to: a) understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs, and b) assess whether all tenants have fair access to, and equitable outcomes of, housing and landlord services.		High priority	Not on track	01/06/2024	A full audit of tenant's communication preferences should be undertaken and this should inform how officers keep tenants informed	John Jamieson	Stephan Gabriel	16.11.2023 - Re-provisioning approach to tenant engagement (TPAG) action plan following the implementation of proposed consumer standards	Open
A2	Housing Management	Registered providers must use relevant information and data to: a) understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs, and b) assess whether all tenants have fair access to, and equitable outcomes of, housing and landlord services.		High priority	Not on track	01/06/2024	Ensure diversity data is recorded as a mandatory field when residents move in, and is updated throughout the life of the tenancy	John Jamieson	Stephan Gabriel	16.11.2023 - Ability to record diversity data is available, this isn't well recorded or well utilised and must sit within mandatory processes at lettings stage	Open
A3	Strategic Enabling	Registered providers must use relevant information and data to: a) understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs, and b) assess whether all tenants have fair access to, and equitable outcomes of, housing and landlord services.		Medium priority	Not on track	01/06/2024	Develop a Vulnerability Policy setting out how the Directorate should respond to hard-to-reach groups, addressing issues like language barriers, support needs, accessibility issues etc.	Naomi Morris	Guy Chaundy	16.11.2023 - Scope for the policy has been drafted, agree consultation routes and data for the forward plan	Open
A4	Strategic Enabling	Registered providers must use relevant information and data to: a) understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs, and b) assess whether all tenants have fair access to, and equitable outcomes of, housing and landlord services.		Low priority	Not started	01/06/2024	Develop a clear process for third party authorisation, enabling tenants to use advocates wherever necessary	Naomi Morris	Guy Chaundy	16.11.2023 - Identified as part of the self-assessment, agree scope and approach	Open
A5	Strategic Enabling	Registered providers must ensure that landlord services are accessible, and that the accessibility is publicised to tenants. This includes supporting tenants and prospective tenants to use online landlord services if required.		Medium priority	Not on track	01/06/2024	Add housing services to the BRUM account, making resident information and communication much more accessible	Jamie Harrison	Guy Chaundy	16.11.2023 - Specification has been identified for this work, full project brief, timescales are scope must be arranged	Open
A6	Housing Management	Registered providers must ensure that landlord services are accessible, and that the accessibility is publicised to tenants. This includes supporting tenants and prospective tenants to use online landlord services if required.		High priority	Not on track	30/06/2024	Launch new A&B policy, focused on prevention and early intervention	John Jamieson	Stephan Gabriel	16.11.2023 - Significant delays to this work since the original inspection, this is now being progressed following the recruitment of a Programme Manager	Open
A7	Strategic Enabling	Registered providers must take tenants' views into account in their decision making about how landlord services are delivered.		Medium priority	Not started	30/06/2024	Develop Community Influencing and Engagement Strategy setting out how residents will be included in decision making around landlord services	Naomi Morris	Guy Chaundy	16.11.2023 - Sought agreement around responsibility through the TPAG action, now agreeing timescales on the forward plan	Open
A8	Housing Management	Registered providers must give tenants a wide range of meaningful opportunities to influence and scrutinise their landlord's strategies, policies and services. This includes in relation to the neighbourhood where applicable.		High priority	Not on track	30/06/2024	As part of new Residents Influence structure, it must be clearly set out how residents can meaningfully contribute to and scrutinise service delivery	John Jamieson	Stephan Gabriel	16.11.2023 - Significant delays to this work since the original inspection, this is now being progressed following the recruitment of a Programme Manager	Open
A9	Housing Management	Registered providers must communicate with tenants and provide information on how residents can use landlord services, understand what to expect of them and hold them to account		High priority	Not on track	30/06/2024	Develop a clear set of service standards with engaged tenants and publish these in a variety of formats	John Jamieson	Stephan Gabriel	16.11.2023 - Significant delays to this work since the original inspection, this is now being progressed following the recruitment of a Programme Manager	Open
A10	Strategic Enabling	Registered providers must communicate with tenants and provide information on how residents can use landlord services, understand what to expect of them and hold them to account		Medium priority	Not started	30/06/2024	Review and update Tenants Handbook with up to date information landlord services	Naomi Morris	Guy Chaundy	16.11.2023 - Identified as part of the self-assessment, agree scope and approach	Open
A11	Strategic Enabling	Registered providers must communicate with tenants and provide information on how residents can use landlord services, understand what to expect of them and hold them to account		Medium priority	Not started	30/06/2024	Develop a policy repository so that policies can be updated, maintained and shared with residents	Naomi Morris	Guy Chaundy	16.11.2023 - Identified as part of the self-assessment, agree scope and approach	Open
A12	Strategic Enabling	Registered providers must meet the Regulator's requirements in relation to Tenant Satisfaction Measures and ensure these inform operational delivery		High priority	On track	30/06/2024	Q1, Q2 TSM information recorded and shared with service teams, Housemark undertaking these for independence, supported by internal online surveys	Naomi Morris	Guy Chaundy	16.11.2023 - Collect full 4 quarters of information and publish for residents	Open
A13	Housing Management	Registered providers must communicate with tenants and provide information on how residents can use landlord services, understand what to expect of them and hold them to account		Medium priority	Not on track	30/06/2024	Review the content and publish the Annual Report 2022/2023	John Jamieson	Stephan Gabriel	16.11.2023 - Delays with this being published, progress support to the service team to finalise	Open
A14	Housing Management	Registered providers must treat all tenants with fairness and respect		High priority	Not on track	30/06/2024	Develop clear Framework for proactive visits, driving up Power BI performance and ensuring there is visibility in the community with residents	Rishi Spence	Stephan Gabriel	16.11.2023 - Power BI performance on visits is not demonstrating significant improvements, Framework to be developed to drive this forward	Open
A15	Strategic Enabling	Registered providers must communicate with the Regulator on all material matters of non-compliance in a timely manner through established self-referral routes		High priority	Complete	30/06/2023	Compliance Board rebriefed to discuss areas of risk, with clear and visible governance process	Naomi Morris	Guy Chaundy	16.11.2023 - complete	Open
A16	Housing Management	Registered providers must treat all tenants with fairness and respect		Medium priority	Not on track	30/06/2024	Develop tenant survey plan, setting out regular opportunities to share information across the board	John Jamieson	Stephan Gabriel	16.11.2023 - This was highlighted as part of the TPAG review, and is one of the key recommendations of the review	Open
A17	Housing Management	Registered providers must assist tenants who wish to implement tenant-led activities to influence and scrutinise their landlord's strategies, policies and services. This includes in relation to the neighbourhood where applicable.		Medium priority	Not started	30/06/2024	Neighbourhood Plans must set out activities for genuine resident involvement in the local area - these must be widely publicised and take in to consideration diversity needs	John Jamieson	Stephan Gabriel	16.11.2023 - Identified as part of the self-assessment, agree scope and approach	Open

ACTION PLAN: SAFETY & QUALITY - AMBER												
ID	Service Area	Requirement	Impact	Priority	Tracker	Deadline	Notes	Responsible Lead	MD	Working Status/Comment	Status	
A1	Asset Management	Asbestos	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	High	On track	30/06/2024	Deliver on asbestos programme to ensure all outstanding management surveys are completed	David Stevens/Sean O'Brien	Wayne Davies	01.01.2024 - tender evaluated and contract awarded, mobilisation meeting early in the NYT during for the end of Jan 2024 for full mobilisation	Open	
A2	Asset Management	Asbestos	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	High	Not on track	30/06/2024	Complete remedial actions received from RCI on asbestos management surveys	David Stevens/Sean O'Brien	Wayne Davies	01.01.2024 - data received around the remedials as there is a true figure. Initial engagement with tenants and tenants for later phase and they will be coming back with a schedule of remedial/abatement costs as these are not part of the standard contract	Open	
A3	Asset Management	Governance	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	High	On track	30/06/2024	Implement and embed low compliance IT system to reduce manual intervention and to provide certainty re compliance data	James Preston	Wayne Davies	01.01.2024 - project plan on track, providing this for the Regulator to demonstrate these are on track	Open	
A4	Asset Management	Fire Safety	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	High	Not on track	30/06/2024	Secure of remedial actions are received, categorised and audited and there are compliance processes in place to deliver this	David Stevens/Sean O'Brien	Wayne Davies	01.01.2024 - tracking outstanding remedials, logging issue with IT system which means staff are recording new items directly. data analysis working with IT to resolve	Open	
A5	Asset Management	Fire Safety	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	High	Not on track	30/06/2024	Deliver on fire safety programme to flow the blocks to ensure all outstanding IRMs have been completed	David Stevens/Sean O'Brien	Wayne Davies	01.01.2024 - programme remains on track, Fire Brigades are now moving forward and are on track. Higher contract meetings in place	Open	
A6	Asset Management	Electrical Safety	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	High	Not on track	30/06/2024	Conduct a full analysis of EIC remedial actions for assurance that historic remedials have been actioned and those outstanding are included within the current programme	Carl Wallance/Ricky Jones	Wayne Davies	01.01.2024 - depend on how for this meeting post Christmas, urgent expectation for the next meeting re milestones required for both the programme and remedials	Open	
A7	Asset Management	Electrical Safety	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	High	Not on track	30/06/2024	Deliver on electrical safety programme - accelerating in both domestic and communal blocks	Seamus Keady/Begun Taylor	Wayne Davies	01.01.2024 - depend on how for this meeting post Christmas, urgent expectation for the next meeting re milestones required for both the programme and remedials	Open	
A8	Asset Management	Gas Safety	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	Medium	On track	30/06/2024	Seek to undertake a full audit of gas safety cover to provide full data validation and confidence in system	Seamus Keady	Wayne Davies	01.01.2024 - agreed data closure, now complete	Open	
A9	Asset Management	Carbon Monoxide Regulation	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	High	Not on track	30/06/2024	Deliver the carbon monoxide remediation programme in all relevant properties	Seamus Keady	Wayne Davies	01.01.2024 - depend on how, waiting make-up programme following the situation	Open	
A10	Asset Management	Smoke detectors	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	High	On track	30/06/2024	Deliver under detector testing in line with the October 2023 legislation	Seamus Keady	Wayne Davies	01.01.2024 - programme complete, minus any minor access issues	Closed	
A11	Asset Management	Legionella	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	High	On track	30/06/2024	Deliver the legionella programme, improving compliance in domestic properties	Seamus Keady	Wayne Davies	01.01.2024 - depend on how for this meeting post Christmas, waiting update on meeting with Axiom	Open	
A12	Asset Management	Lifts	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	Medium	On track	30/06/2024	Improve visibility of data and regularity of reporting in relation to lift safety checks	Seamus Keady	Wayne Davies	01.01.2024 - lift safety checks and LOLER checks now available	Open	
A13	Asset Management	Lifts	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	High	Not on track	30/06/2024	Secure data on remedial actions is available for LOLER checks and lift safety checks	Carl Wallance/Ricky Jones	Wayne Davies	01.01.2024 - certificate make visibility with remedials challenging, embedding new system to their compliance with remedials available	Open	
A14	Asset Management	Data	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	Medium	Complete	01/04/2024	Secure the "log" are regularly reported on at the Compliance Board and there is a Power BI Dashboard to reflect this	Carl Wallance/Ricky Jones	Wayne Davies	01.01.2024 - reported on at the Compliance Board at the last 3 monthly meetings and ongoing	Closed	
A15	Asset Management	Data	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	Medium	On track	31/08/2024	Seek to undertake a full data validation exercise across all of the "log" to provide confidence in the data being provided	David Stevens	Wayne Davies	01.01.2024 - awaiting formal procurement to the external audit planned. Currently on track for direct award	Open	
A16	Asset Management	Decent Homes Standards	Registered providers must ensure that tenants homes meet the standard set out in section 5 of the Decent Homes guidance and continue to maintain their homes to at least this standard unless exempt by the Regulator	Medium	On track	30/06/2024 (post ongoing)	Target investment based on RAC read stock portfolio - taking a risk based approach and should be regularly updated in line with Compliance	Carl Wallance	Wayne Davies	01.01.2024 - RAC read stock portfolio, in Power BI and is automated. Targeted investment is provided to update the data coming out of data to get investment included (over the last 3 years)	Open	
A17	Asset Management	Decent Homes Standards	Registered providers must ensure that tenants homes meet the standard set out in section 5 of the Decent Homes guidance and continue to maintain their homes to at least this standard unless exempt by the Regulator	Medium	Not on track	31/12/2023	Accelerate stock condition programme from 1,000 to 7,000 through Axiom	Carl Wallance	Wayne Davies	01.01.2024 - stock condition survey numbers in place, automated Power BI report, amount per month	Open	
A18	Asset Management	Decent Homes Standards	Registered providers must ensure that tenants homes meet the standard set out in section 5 of the Decent Homes guidance and continue to maintain their homes to at least this standard unless exempt by the Regulator	High	Overdue	11/12/2023	Develop an overarching 30 year investment plan with a specific focus on Decent Homes Standards	Gavin Hagg	Say Choudhury/Wayne Davies	01/01/2024 - Reports agreed by commissioners, going to Cabinet on the 14/01	Open	
A19	Asset Management	Decent Homes Standards	Registered providers must ensure that tenants homes meet the standard set out in section 5 of the Decent Homes guidance and continue to maintain their homes to at least this standard unless exempt by the Regulator	High	Overdue	11/12/2023	Develop an asset management strategy setting out our commitment to providing Decent Homes for our tenants	Gavin Hagg	Say Choudhury/Wayne Davies	01/01/2024 - Reports agreed by commissioners, going to Cabinet on the 14/01	Open	
A20	Asset Management	Decent Homes Standards	Registered providers must ensure that tenants homes meet the standard set out in section 5 of the Decent Homes guidance and continue to maintain their homes to at least this standard unless exempt by the Regulator	High	Not on track	30/06/2024	Accelerate actual stock condition surveys with the view to achieve 20% a year over the next 3 years	Adrian Lacey	Wayne Davies	01.01.2024 - understanding programme activity as part of the business planning work to further accelerate actual stock condition surveys with a view to complete 20% per year over the next 3 years. Currently at circa 1,000 data actual survey	Open	
A21	Asset Management	Decent Homes Standards	Registered providers must ensure that tenants homes meet the standard set out in section 5 of the Decent Homes guidance and continue to maintain their homes to at least this standard unless exempt by the Regulator	High	Complete	01/04/2024	Agree 2024 additional investment for 2023/2024 capital programme	Adrian Lacey	Wayne Davies	01.01.2024 - programme agreed and now being implemented for the 2023/2024 period and is on track	Closed	
A22	Asset Management	Repairs	Registered providers must provide effective, efficient and timely repairs, maintenance and planned improvements for homes and communal areas	Medium	Not on track	01/01/2024	Secure there is a framework to monitor record keeping and overall contractor activity within the repairs and maintenance service	Adrian Lacey	Wayne Davies	01.01.2024 - record keeping briefing on the 01st Jan 2024, draft document is in place and working through with the team	Open	
A23	Asset Management	Repairs	Registered providers must provide effective, efficient and timely repairs, maintenance and planned improvements for homes and communal areas	Medium	Not on track	01/04/2024	Develop assurance processes around contractor activity ensuring quality of service and ensure these are embedded	Adrian Lacey	Wayne Davies	01.01.2024 - first quarterly report has been prepared, will be going to the next service improvement group	Open	
A24	Asset Management	Repairs	Registered providers must provide effective, efficient and timely repairs, maintenance and planned improvements for homes and communal areas	High	On track	01/04/2024	Recommissioning of the RAC contract to reflect aspects of customer satisfaction	Adrian Lacey	Wayne Davies	01.01.2024 - RAC contract report (section 8) demonstrates new KPIs re customer feedback, part of report	Open	
A25	Asset Management	Contract Management	Registered providers must take reasonable steps to ensure the health & safety of tenants in their home and communal areas	High	On track	Ongoing	Review there are regular contract management meetings undertaken across the "log" 4 areas and these are formally recorded	Seamus Keady	Wayne Davies	01.01.2024 - meetings have now been set up across each of the contract areas to ensure acceleration	Closed	
A26	Asset Management	Contract Management	Registered providers must provide effective, efficient and timely repairs, maintenance and planned improvements for homes and communal areas	Medium	Not on track	30/06/2024	Review process and timelines for dealing with remedials across the board, deliver with contractors through 100-day review plan	Adrian Lacey	Wayne Davies	01.01.2024 - Senior Data Analyst to document the rules for priority to ensure these are fully implemented within the 100-day review	Open	

Birmingham City Council

Housing and Neighbourhoods Overview and Scrutiny Committee

25 January 2024



Subject: Request for Call-In - Contract Award for the Provision of Repairs and Maintenance 2024-2026

Report of: Marie Rosenthal, Interim City Solicitor and Monitoring Officer

Report author: Amelia Wiltshire, Overview and Scrutiny Manager
amelia.wiltshire@birmingham.gov.uk

1 Purpose

- 1.1 This report outlines a Request for a Call-In of the Contract Award for the Provision of Repairs and Maintenance 2024-26 decision by the Executive on 22 January 2024 (Appendix B).
- 1.2 All Executive decisions are subject to Call-In before approval. This request for a Call-In was submitted by Cllrs Julien Pritchard and Rob Grant on 16 January 2024 (Appendix C).

2 Recommendations

- 2.1 The Committee:
 - Reviews the reason(s) provided to request this Call-In, and how and why the decision had been reached by the Executive; and
 - Considers whether this request meets the criteria for a Call-In as set out in [Part B \(11.9\) of the Constitution](#), and decides whether to Call-In the decision to approve Contract Award for the Provision of Repairs and Maintenance 2024-26.

3 Any Finance Implications

- 3.1 With specific regard to this Request for a Call-In, there are no financial implications.
- 3.2 The Cabinet Report (Appendix D) outlines the financial implications related to the decision of the Contract Award for the Provision of Repairs and Maintenance 2024-26 report. Appendix D also sets out the Commissioners comments provided for the Cabinet Report on 16 January.

4 Any Legal Implications

- 4.1 As set out in [Part B, 11.9 of the Constitution](#), the purpose of this report is to discuss whether the Committee should or should not exercise its power of a Call-In. Specifically, it will formally discuss whether the Executive should reconsider its decision to approve Contract Award for the Provision of Repairs and Maintenance 2024-26. Further information relating to the Call-In procedure and its criteria is set out in Appendix A.
- 4.2 The Cabinet Report (Appendix D) outlines the legal implications related to the decision of the Contract Award for the Provision of Repairs and Maintenance 2024-26 report. Appendix D also sets out the Commissioners comments provided for the Cabinet Report on 16 January.

5 Any Equalities Implications

- 5.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.2 With specific regard to this Request for a Call In, there are no equalities implications.

6 Appendices

- 6.1 Appendix A – Call-In Procedure and Criteria Briefing Note
- 6.2 Appendix B – Executive Decision Record – Contract Award for the Provision of Repairs and Maintenance 2024-26
- 6.3 Appendix C –Request for Call In Housing Repairs Contract Award
- 6.4 Appendix D – Commissioners Comments on the Cabinet Report - Contract Award Provision of Repairs and Maintenance
- 6.5 Appendix D1 – Cabinet Report for the Contract Award for the Provision of Repairs and Maintenance 2024-26 FINAL
- 6.6 Appendix D2 - Contract Award for the Provision of Repairs and Maintenance 2024-26 Exempt Appendix 1
- 6.7 Appendix D3 - Contract Award for the Provision of Repairs and Maintenance 2024-26 Appendix 2
- 6.8 Appendix D4 - Contract Award for the Provision of Repairs and Maintenance 2024-26 Appendix 3

6.9 Appendix D5 - Contract Award for the Provision of Repairs and Maintenance
2024-26 Exempt Risk Register Appendix 4

Call in Procedure

1. Introduction

- The purpose of the meeting is to discuss whether the Committee should, or should not, exercise its power of Call In – that is: whether to formally request that the Executive reconsiders its decision in relation to the Contract Award for the Provision of Repairs and Maintenance 2024-26.
- Where a Committee does decide to Call In a decision the “re-consideration” which is then required must take place at a meeting of the full Cabinet – irrespective of who made the original decision.

2. The Members must make their case justifying their request for Call In

- Chair to ask the two Councillors who requested the call-in to explain the reasons why they have requested that the decision be called in.
- If the members who requested the call-in are not members of the O&S Committee then they should be invited to present their case, but will not be able to vote on the call-in decision.
- Q&A: chance for the Committee to **ask for clarification** or details on the reasons why the request for call in has been made [*Note: it is not for Members to start discussing the merits or otherwise of the call-in at this point*].

3. Presentation by the Cabinet Member on their Decision

- Cabinet Member assisted by officers, to state how/why the decision was made – officers to give any necessary background information.
- Q&A: chance for the Committee to ask for clarification or details on the decision and how it has been made.

4. The Cabinet Member and Officers are asked by the Chair to leave the room whilst the Committee discusses its view on whether or not they think there are grounds for the decision to be Called In.

- When the O&S Committee is satisfied that it has fully explored the case for call in and the Cabinet Member’s reasoning for the decision that was taken, then the Cabinet Member, their officers and any councillors who are not members of the committee may be asked to leave the room to allow the Committee to come to its conclusion.
- The meeting, if being held in public, will continue to be public and so livestreaming will continue but asking Cabinet Members, officers and others to leave enables members of the committee to discuss without further contributions from those not on the committee.

5. Discussion by the Committee

- The Overview and Scrutiny Committee will consider the criteria for Call In.
- For clarity, as set out in Part B (11.9) of the Constitution, the Council does not expect an O&S Committee to Call In an Executive decision unless one or more of the criteria (set out at Appendix 1) applies.

NB: the Committee do not have to adhere to the grounds for call-in selected by the two Members requesting the call-in – if other grounds are more appropriate, these can be used.

6. Chair to sum up and asks for vote on whether to call the decision in.

1. Decision not called in

- No need to refer it to Cabinet
- Call In Meeting closed
- (The Committee could agree to inform the Cabinet Member of any concerns of the Committee by letter)

2. Decision called in to be reconsidered by the Executive

- To agree the criteria for the call in
- Committee requests that the Chair of the O&S Committee attends the next Cabinet meeting with a formal report of the Committee ‘referring back’ the decision.
- Call In Meeting closed

THE CABINET MEMBER AND SUPPORTING OFFICERS ARE CALLED BACK IN TO THE ROOM AND NOTIFIED OF THE OUTCOME.

8. After the Meeting if 'called in'

The Scrutiny Office prepares a report setting out the criteria for the Call In, the Committee's concerns and issues and any way forward suggested.

- *The Chairman attends the next Cabinet meeting to formally request that the decision is referred back to the Cabinet.*
 - *Cabinet then discusses whether to change the original decision or not. If not, that is the end of the matter.*
 - *If yes, then the Cabinet Member will need to revisit the issues and make a new decision.*
-

Call-In Criteria

	(a) Is the Executive decision within existing policy?
1	the decision appears to be contrary to the Budget or one of the 'policy framework' plans or strategies;
2	the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees;
3	the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive);
	(b) Is the Executive Decision well-founded?
4	the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;
5	the Executive appears to have overlooked some relevant consideration in arriving at its decision;
6	the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;
7	there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council.
	(c) Has the Executive decision been properly taken?
8	the decision appears to give rise to significant governance, legal, financial or propriety issues;
9	the notification of the decision does not appear to have been in accordance with council procedures;

Details

Status:	Decision Subject To Call In
Title:	Contract Award for the Provision of Repairs and Maintenance 2024-2026
Include item on Forward Plan/ Key Decision	Yes
Reference:	011849/2023
Urgent Decision - Not in Forward Plan	No
Details for Agenda Sheet	Report of Strategic Director - City Housing
Implementation Date (not before meeting on)	Tue 16 Jan 2024
Purpose To seek retrospective approval to enter into negotiations with the two incumbent providers for housing repairs and maintenance, to negotiate commercial terms in regard to a direct award of contract under the Public Contracts Regulations 2015 (PCR2015) for a period of up to 2 years commencing 1st April 2024.	
Key Portfolio	Housing and Homelessness
Decision Maker	
Chief Officer Decision Maker	----- N/A -----
Reason For Key Decision	Financial – capital spend over £1m
Relevant Documents	

Decision Type: Committee

Decision Maker: Cabinet

Directorate City Housing

**Other
Information**

Private Reason

Information relating to the financial or business affairs of any particular person (including the authority holding the information)

**Decision
Outcome**

On 16 January 2024, Cabinet:-

(i) Approved the award of contracts for the provision of Responsive Repair & Maintenance Services, Gas Servicing and Capital Improvement Work Programmes (including Major Adaptations to Council Housing Stock) regarding the Council's housing stock in all areas of Birmingham, as follows:

- To Equans Regeneration Limited for the North, West and East areas of the city for a two-year period commencing 1st April 2024 for the value of £259.7m up to a maximum of £371.3m to include standalone¹ projects.

- To Fortem Solutions Limited for the South area of the city for a two-year period commencing 1st April 2024 for the value of £163.3m up to a maximum of £231.7m to include standalone projects.

(ii) Retrospectively approved the commencement of negotiations with the incumbent contractors (Equans and Fortem) in accordance with the Procurement and Contract Governance Rules, which states 'when negotiating contracts without competition with a value above £500K revenue and with a value above £1m capital, authorisation to commence the procurement activity is obtained through consultation with Cabinet Member(s) and relevant Scrutiny Chair(s) prior to Cabinet Inclusion on Forward Plan, Formal Cabinet Report including the Procurement Strategy';

(iv) Authorised the City Solicitor and Monitoring Officer (or their delegate) to negotiate, execute and complete all necessary legal documents to give effect to the above decisions.

THE DEADLINE FOR CALL IN IS 1600 HOURS ON MONDAY 22 JANUARY 2024.

Request for Call InDate: **22nd January 2024**

Please arrange for a meeting of the **Housing O&S Committee** to be called to discuss the following executive decision:


Title: *Contract Award for the Provision of Repairs & Maintenance 2024-2026*

Taken By: **Cabinet**On: **16th January 2024****Reason for request:**

Criteria	Yes/No	Brief Explanation
<i>(a) Is the Executive decision within existing policy?</i>		
1. the decision appears to be contrary to the Budget or one of the 'policy framework' plans or strategies	<input type="checkbox"/>	
2. the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees	<input checked="" type="checkbox"/>	The decision to do a direct award to the existing two contractors is inconsistent with previous Cabinet decisions and supporting information which recommended more than two contractors.
3. the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive)	<input type="checkbox"/>	
<i>(b) Is the Executive decision well-founded?</i>		
4. the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision	<input type="checkbox"/>	
5. the Executive appears to have overlooked some relevant consideration in arriving at its decision	<input checked="" type="checkbox"/>	The decision appears to overlook the performance of the contractors under the current contract, and the amount of change to the contracts appears insufficient to address this.

Criteria	Yes/No	Brief Explanation
6. the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do	<input checked="" type="checkbox"/>	The poor condition of the Council's housing stock is well documented and has already generated considerable press attention, complaints from residents and judgements from regulators. A poor repairs contract will only worsen this situation.
7. there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council	<input type="checkbox"/>	
<i>(c) Has the Executive decision been properly taken?</i>		
8. the decision appears to give rise to significant legal, financial, governance or propriety issue	<input checked="" type="checkbox"/>	There needs to be greater re-assurance around the legality of the procurement process for his contract award.
9. the notification of the decision does not appear to have been in accordance with council procedures	<input type="checkbox"/>	

Councillor



Julien Pritchard

(Signed)

(Print Name)

Councillor



Rob Grant

(Signed)

(Print Name)

Birmingham City Council

Cabinet

16 January 2024



Subject: Contract Award for the Provision of Repairs and Maintenance Gas Servicing and Capital Investment Works Programme – Interim Contract 2024-2026

Commissioner Review

The three strategic Housing reports before Cabinet: the Housing Revenue Account (HRA) Business Plan and Rent Setting 2024/2025, Asset Management Strategy 2024-2029, Contract Award for the Provision of Repairs & Maintenance, Gas Servicing and Capital Improvement Works Programmes – Interim Contract 2024-2026 and the confirmation of the immediate commencement of the long-term procurement of the Repairs & Maintenance contracts starting in two years' time are key integral components to both the City Housing and Corporate Improvement and Recovery Plan(s) required by the Direction and Social Housing Regulatory regime.

The approval of these strategic plans and the award of the interim repairs' arrangements will provide the necessary but alone, insufficient foundations for improvement and recovery. The delivery of the plans will require corporate and housing commitment, prioritisation and a whole council focus and approach to improvement.

The repairs and maintenance contractors' performance are a key component to driving up tenant and leaseholder satisfaction, reducing complaints, delivering H & S compliance, and contributing to the achievement of Decent Homes Standards. BCC will need to ensure that good working relationship and strong contract management arrangements are in place throughout the term of the interim contracts, and this should be subject to appropriate and regular scrutiny.

It should be noted that there are significant opportunities and challenges that must be managed arising from the immediate commencement of procurement for the longer-term repairs and maintenance contracts. Timescales for procurement of this scale are relatively short and appropriate resource and expertise must be in place immediately to ensure that BCC fully maximises the opportunities that strategic procurement can and should bring and are required to support the achievement of the ambition, commitments, and targets set out in the Asset Management Strategy. This will require early significant stakeholder engagement, expert knowledge of market factors and the application of learning from benchmarking and best practice.

It will be necessary to regularly communicate with, engage and seek tenants and leaseholders' feedback and regularly report to them on progress and performance on key performance indicators for repairs and maintenance.

Commissioners have provided detailed comments and feedback throughout drafting and these have been incorporated into the body of the report.

It is essential that BCC continue to deliver R&M and asset improvement services across the estate. The failed strategic procurement has driven the necessity to extend the existing contract for a period to allow a new R&M procurement activity to commence and successfully conclude.

The award of a contract extension is providing the opportunity to re-negotiate the contracts to improve and re-focus R&M delivery which the paper clearly lays out. This is positive for BCC HRA.

As stated in the Cabinet submissions, these topics - Interim Contract Award, Asset Management Strategy and the BCC HRA Business Plan and Rent Setting, are interlinked and combine to deliver the HRA overall business plan. They refer to and require the strategic procurement of a new R&M HRA contract. Commissioners require the new procurement to:

Commence as soon as practically possible within the window of the extended/re-negotiated existing contract term.

Re-assess and re-design what BCC HRA R&M looks like, assess the market, develop the right RFI/RFP, correctly evaluate the responses and compliantly award. This must be done within the window this contract extension provides to allow for mobilisation of new suppliers and a smooth handover (this assumes a different model of delivery and different providers).

Ensure its approach aligns to the strategy, business outcomes, performance metrics and commercial principles of BCC.

Learn from the previous unsuccessful R&M procurement exercise. These lessons need to be articulated and reflected in the new procurement exercise.

Commissioners Support the submission of this Cabinet Paper

Birmingham City Council

Report to Cabinet

16 January 2024



Subject: P0787_2023 Contract Award for the Provision of Repairs & Maintenance, Gas Servicing and Capital Improvement Works Programmes – Interim Contract 2024-2026

Report of: Paul Langford, Strategic Director of City Housing

Relevant Cabinet Member: Cllr Jayne Francis – Cabinet Member for Housing & Homelessness

Relevant O &S Chair(s): Cllr Mohammed Idrees – Homes, Overview and Scrutiny Committee
Cllr Jack Deakin - Finance and Resources, Overview and Scrutiny Committee

Report author: Asha Patel, Interim Head of Repairs & Maintenance
Neil Cox, Interim Head of Commercial
Lucy Ford, Sub-Category Manager

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 011849/2023		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		
<p>Commercially and reputationally sensitive information. Exempt information Schedule 12A to the Local Government Act 1972 (as amended). Paragraph 3. Information relating to the financial or business affairs of any particular person (including the authority holding the information)</p>		

1 Executive Summary

- 1.1 In November 2022, Cabinet authorised the commencement of the procurement for the recommission of the Responsive Repair & Maintenance Services, Gas Servicing and Capital Improvement Work Programmes (including Major Adaptations to Council Housing Stock) regarding the Council's housing stock in all areas of Birmingham.
- 1.2 The procurement commenced in January 2023, but unfortunately had to be abandoned in August 2023 following receipt of tender submissions, when the commercial evaluation presented challenges due to the scale and scope of the works required.
- 1.3 This report provides details of the outcome of the negotiations for interim contracts to cover the period April 2024 - March 2026 which commenced following the decision to abandon the procurement.
- 1.4 This report is a vital component in City Housing Directorate's overarching recovery plan and will significantly aid the organisation in delivering on the expectations of the Regulator of Social Housing and Housing Ombudsman. Both regulatory bodies have notably highlighted the need to improve the quality of resident's homes. The strategic partnership developed with contractors are important as they act as the vehicle to honour the commitments set out to the Regulator and Ombudsman and improve overall resident satisfaction.
- 1.5 This report should be read in conjunction with the Housing Revenue Account (HRA) Business Plan and Asset Management Strategy 2024-2029. The three reports, read together demonstrate how the Council seeks to address stock quality across the city, particularly in relation to achieving compliance against Decent Homes Standards.
- 1.6 The report should also be read in conjunction with the Housing Strategy 2023-2028. The strategy was launched in January 2023 and one of the three strategic priorities is to ensure 'Neighbourhoods are enhanced, and the quality of existing homes are improved.' The contractual relationship with our partners is a vital mechanism to deliver on this strategic objective and within the strategy itself, the Council commits to undertaking the re-procurement process to support this.
- 1.7 This report sets out the Council's interim position to the delivery of the Repairs & Maintenance contracts. However, it must be noted that this report is supported by the immediate long-term procurement of Repairs & Maintenance contracts, to be mobilised in two years' time. These contracts are one of the mechanisms the Council will use to ensure compliance against Decent Homes Standards and honour commitments made to the Regulator of Social Housing and Housing Ombudsman.
- 1.8 The Repairs & Maintenance contracts are the largest contracts that the Council hold and represent one of the key partnership arrangements for the city. To ensure services are delivered effectively for our residents, the re-procurement

process must continue to be a corporate priority for all relevant Directorates and Elected Members.

- 1.9 The private report contains commercially / sensitive / confidential market information as a result of the evaluation of tenders and subsequent negotiations which could impact on future procurement activity if it were to be made public.

2 Recommendations

That Cabinet:

- 2.1 Approves the award of contracts for the provision of Responsive Repair & Maintenance Services, Gas Servicing and Capital Improvement Work Programmes (including Major Adaptations to Council Housing Stock) regarding the Council's housing stock in all areas of Birmingham, as follows:
- To Equans Regeneration Limited for the North, West and East areas of the city for a two-year period commencing 1st April 2024 for the value of £259.7m up to a maximum of £371.3m to include standalone¹ projects.
 - To Fortem Solutions Limited for the South area of the city for a two-year period commencing 1st April 2024 for the value of £163.3m up to a maximum of £231.7m to include standalone projects.
- 2.2 Retrospectively approves the commencement of negotiations with the incumbent contractors (Equans and Fortem) in accordance with the Procurement and Contract Governance Rules, which states '*when negotiating contracts without competition with a value above £500K revenue and with a value above £1m capital, authorisation to commence the procurement activity is obtained through consultation with Cabinet Member(s) and relevant Scrutiny Chair(s) prior to Cabinet Inclusion on Forward Plan, Formal Cabinet Report including the Procurement Strategy*'.
- 2.3 Authorises the City Solicitor and Monitoring Officer (or their delegate) to negotiate, execute and complete all necessary legal documents to give effect to the above recommendation.

3 Background

- 3.1 The current contracts for the provision of Responsive Repair & Maintenance Services, expire on the 31st of March 2024.
- 3.2 On the 8th November 2022 Cabinet authorised the commencement of a procurement to secure new contracts for the value of £1.4billion for the duration of 10 years.

¹ More information about standalone projects can be found in paragraph 9.3.4.

- 3.3 A procurement process was undertaken to select Contractors for the requirement which was conducted in accordance with the Public Contracts Regulations 2015 (PCR2015), under the Competitive Procedure with Negotiation process.
- 3.4 The Council was seeking to appoint two Contractors, one for each geographical area, which were split as follows:
- Lot 1: North, West and East
 - Lot 2: South
- 3.5 The procurement commenced on the 16th of January 2023 inviting expressions of interest from suitably qualified and experienced organisations.
- 3.6 The first stage of the procurement process required interested suppliers to complete the Selection Questionnaire (SQ) outlining their experience and capability to perform the contract. The Selection Questionnaire assessment report was signed off by Project Board on the 3rd of April 2023 with a recommendation to shortlist applicants to proceed to the next stage of the procurement process.
- 3.7 The Invitation to Submit Initial Tenders (ISIT) stage of the procurement commenced on the 6th of April 2023 when the Council issued the ISIT document pack to the shortlisted tenderers with a submission deadline of the 19th May 2023.
- 3.8 The award of contract was to be based on the award criteria set out in the ISIT document pack. The criteria consisted of a combination of quality, social value and price.
- 3.9 The evaluation of submissions was undertaken by officers in City Housing, drawing in resource from other areas of the Council as applicable, along with representatives from Ark Consultancy Ltd and tenants and supported by Corporate Procurement Services.
- 3.10 Following the conclusion of the evaluation, Project Board were presented with the high-level considerations and impact of the commercial submissions received.
- 3.11 As a result of the work which the Council has carried out since the tender was published regarding the Capital Programme, there is a significant increase in the volume and values of works required.
- 3.12 Legal advice was taken to explore to what degree any amendments could be made to the structure of the procurement whilst still being compliant with the procurement regulations. Not relating to the procurement procedure, itself, but in terms of how the contract is structured in terms of risk and the opportunity to reduce price.
- 3.13 Project Board held an extraordinary meeting on the 20th of July 2023 to review the options and determine the recommendations. The agreed recommendations from Project Board were:
- (i) To abort the procurement.
 - (ii) To enter into negotiations to determine the commercial terms for any direct award of contract with the incumbent contractors, noting that any

recommendation to award contracts to the incumbent contractors will require Cabinet authorisation.

4 Negotiations

4.1 A negotiation strategy to support the interim contract negotiations was constructed and agreed with internal Council colleagues in September 2023. The strategy was broken down into nine key areas to ensure all aspects of the service were considered, these areas were:

- Overall approach to the contract
- Reduction in Price per Property (PPP) – the pricing used for the repairs service.
- Reduction in Price per Void (PPV) – the pricing used for the empty homes service.
- Reduction in Price per Gas/Heating (PPGH) – the pricing used for the gas/heating servicing and repairs service.
- Reduction in Price per Element (PPE) – the pricing used for capital investment elements, e.g., kitchen, bathroom, gas boiler, etc.
- Materials Supply – product selection and value for money exercise to ensure the Council realises economies of scale.
- Improved Customer Satisfaction (KPIs'/Service Delivery) – focussed on servicing continuity, reliability, and consistency for customers.
- Appointments – consideration of alternative appointment slots, enabling operational delivery and customer expectations to be better managed/improved.
- Social Value – ensuring this remains at the heart of the contract regarding investment in local employment, apprenticeships/traineeships, and community projects.

4.2 A set of objectives were then formed for presentation to the Project Board and the two incumbent contractors, and subsequently approved. The objectives focussed on ensuring customer focused service delivery and positioning the Council to be able to describe how Value for Money based outcome from the negotiations have been achieved.

- The new tendered contract forms the baseline for negotiations.
- Ensure service continuity and improvement in resident services.
- Create a more balanced approach towards risk.
- Increased planned programme throughput.
- New approach for materials supply.
- Successful delivery of the planned programme.
- Achieve reductions to tendered costs.
- Reduce/eliminate commercial claims during the interim period.
- Generate improved VFM, ability to benchmark costs and optimise the Council pound.
- Develop working relationships and culture.
- Collaborate to deliver consistent and reliably effective services.
- Perceptual change for elected members

- 4.3 A staged approach to the negotiations with contractors was agreed as part of the strategy, providing appropriate oversight and input from all parties to deliver the objectives:
- Stage 1 - orientation meeting to agree the project plan, objectives and key tasks.
 - Stage 2 - progression of the project plan, key tasks and risk management
 - Stage 3 - presentation of contractor's proposals and appropriate challenge/scrutiny
 - Stage 4 - finalisation of contractor's proposals following further dialogue with the Council between meetings.
- 4.4 Several meetings took place between each stage with relevant parties to work through each area of the negotiation strategy to identify and agree conditions, inclusions, exclusions, and caps on expenditure to the contract documents and specifications.
- 4.5 The specifications have been re-engineered to reflect a more equitable approach towards Repairs & Maintenance and Planned Works, enabling contractors to reduce their rates/costs. In addition, a value engineering approach was taken to the rate analysis to identify any inefficiencies which were included in the submission and agree a revised approach or processes which would deliver the same or better service for the same rate.
- 4.6 This exercise has been well supported by the substantial capital investment the Council plans to undertake to the housing stock. The Council has also been working with the materials supply chain, via two materials central purchasing organisations, along with the contractors to expose future materials pricing based on the Council's requirements helped by the significant forward programme volumes to be purchased.

5 Outcome of Negotiations

Commercial

- 5.1 The tendered prices as part of the Housing, Repairs and Maintenance (HRM) Contract 2024, have been used as the starting point for negotiations with contractors. The Council has worked with contractors to understand the rates tendered and to reduce them via the contract/specifications and value engineering described in paragraph 4.5.

Customer Service

- 5.2 The original tender included long term technological and operational solutions which would benefit from contractor investment over the 10-year contract period. The negotiations have challenged the contractors to identify improvement areas which can be achieved without long term investment, through value engineering and process efficiency as well as changes in ways of working and improved

communications over the 2-year contract period. We will also capture learning from the interim contract to feed into the future arrangements.

5.3 The negotiations have also focussed on ensuring improvements in customer outcomes through the contractual service delivery model which include taking account of feedback from customers through the Tenant Satisfaction Measures (TSMs), recommendations from the Housing Ombudsman from the Paragraph 49 report of December 2022 and lessons learnt from continuous improvement throughout the current contract.

5.4 An improved set of Key Performance indicators (KPI) has been included as part of the negotiations focussing on:

- **Right First Time** which will ensure customers can have routine non-complex repairs carried out at the first visit and reduce the need for follow up appointments and thereby inconvenience to the customer.
- **Recalls** which will focus on any completed repair which has had to be recalled by the customer should the issue re-occur within defined timescales or not completed satisfactorily
- **Work In Progress Overdue** which will measure the amount of work outstanding over a period beyond the original target.

5.5 The inclusion of the above KPI's will enable the Council to directly measure improvements in waiting times for repairs to be completed and the number of times a customer may have had to contact the Council for the same issue.

5.6 Joint operational workshops between the contractors and the Council prior to the contract start are planned to ensure agreed understanding on a day-to-day basis of requirements and standards. For example, our voids standard and the process for handover and rectifications to ensure our operational focus is around the outcomes for customers.

5.7 Formal Contract Management reviews will take place at 6-month intervals for the interim contract duration to ensure the service and any additional outcomes are regularly monitored and reported.

6 Options considered and Recommended Proposal

6.1 Re-procure a new long-term contract – this is not recommended as the lesson learned from the abandoned procurement is that a review of the service requirements is required before commencing a new procurement for a long-term contract. There is insufficient time to undertake this review and conduct the procurement activity to secure a new contact in time for April 2024.

6.2 Further competition under an external framework/DPS – the same issues apply here as in re-procuring a new long-term contract (para 6.1), i.e., time to review the requirements and conduct the procurement.

- 6.3 Extend the existing contracts - The existing contracts do not contain an express provision allowing for further extension or the specific modifications that the Council may require for the two-year period. A modification is therefore only permissible if a 'safe harbour' under PCR2015 Reg. 72 applies. However, given the values involved, it would not be suitable to make use of Reg 72 for the interim period.
- 6.4 Enter into negotiations and make a direct award using PCR2015 Reg 32(2)(b) - Where the services can only be supplied by one economic operator because "competition is absent for technical reasons". This is the recommended option as it enables negotiations to take place in the time allowed before the existing contracts expire to ensure service continuity. There is insufficient time to conduct the service and review and then procure new contracts before the current contracts expire in March 2024.
- 6.5 Do nothing – This is not an option as the Council has a statutory obligation to carry out the repairs and maintenance of its housing stock and providing a responsive repairs and maintenance service to our tenants is one of our key priorities as a Landlord. The Council does not have the internal skills and resources to carry out the delivery of the works and services required although contractor staff would be eligible for a TUPE (Transfer of Undertakings (Protection of Employment)) transfer to the Council.

7 Consultation

- 7.1 Officers from City Housing, Procurement and Ark Consultancy LLP have been engaged in the development of this report.
- 7.2 Project Board members which consist of Senior Officers and Heads of Service were consulted regarding this report.
- 7.3 Cabinet members have received regular verbal updates in regards the status of the project.
- 7.4 Officers from Finance, Corporate Procurement Services and Legal and Governance have been consulted as part of the preparation of this report.
- 7.5 A S20. Notice of Intentions has been issued to tenants. Further Section 20 notices will be issued in accordance with the legislation.

8 Risk Management

- 8.1 At this stage there is one main risk:
- (i) that contracts will not be in place to commence from the 1st of April 2024 to continue service delivery. This report seeks to resolve that issue through authorising the award of contracts.
- 8.2 The impact of not appointing contractors will be a failure to comply with the statutory obligation to carry out the repairs and maintenance of its housing stock.

- 8.3 A risk register is being maintained in relation to this work to ensure the Council had visibility of the associated risks and has considered the likelihood and impact of risks identified. Control measures were put in place to mitigate the risk, where possible, in turn reducing the overall risk score where possible.

9 Compliance Issues:

- 9.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 9.1.1 The recommended decision is consistent with the Council's vision and priorities as set out in the Birmingham City Corporate Plan for 2022-26.

A BOLD PROSPEROUS BIRMINGHAM

#1 Support inclusive economic growth

#2 Tackle unemployment

A BOLD SAFE BIRMINGHAM

#11 Increase affordable, safe, green housing.

A BOLD GREEN BIRMINGHAM

#19 Continue on the Route to Net Zero

- 9.1.2 **Birmingham Business Charter for Social Responsibility (BBC4SR)**

Compliance with the BBC4SR and Living Wage is a mandatory requirement that will form part of the conditions of the contracts. The contractors have each provided an action plan for the two-year interim period which complies with the city's corporate requirements. The action plan will be implemented and monitored during the contract period.

9.2 Legal Implications

- 9.2.1 The proposed allocation of work is consistent with the effective management of the Council's housing stock under Part II Housing Act 1985.
- 9.2.2 The current contracts for the Provision of Responsive Repairs & Maintenance Services, Gas Servicing and Capital Improvement Work Programmes (including Major Adaptations to Council Housing Stock) expire on 31st March 2024. In light of abandoning the procurement, a compliant route to award contracts is required as an interim measure whilst new contracts are tendered.
- 9.2.3 The value of this commission is above the threshold for which the Public Contract Regulations 2015 apply. The Council will rely on Reg 32(2)(b) of PCR15 in awarding these contracts. The negotiated procedure without prior publication may be used for public works contracts, public supply contracts and public service contracts in any of the following cases: (b) where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons: (ii) competition is absent for technical reasons.
- 9.2.4 Whilst the value of this commission is above the threshold for the PCR2015, the likelihood of any challenge to this decision appears to be medium/low risk.

9.3 Financial Implications

- 9.3.1 The total maximum value of the contracts is up to £603m for the two-year interim period, which is funded in the HRA business plan.
- 9.3.2 This contract is primarily HRA funded and updated contract values will need to be included in the HRA Business Planning process that is currently underway. In addition, there will be a pressure in the General Fund City Housing budget in relation to the Temporary Accommodation element of the contract. The General Fund pressure will be factored into the next Medium Term Financial Plan.
- 9.3.3 When the Council commenced the procurement in January 2023, it was predicated on an annual contract value of £140,000,000, which did not include additional major refurbishment projects, known as 'standalone projects'. This figure consisted of both revenue and capital spend. The contract value was split between the two areas as follows:

Estimated Annual Contract Values			
Funding Type	North, West and East	South	Total
Revenue	£37,328,571	£22,671,429	£60,000,000
Capital	£49,771,429	£30,228,571	£80,000,000
Total	£87,100,000	£52,900,000	£140,000,000

- 9.3.4 During the ISIT stage of the procurement, tenderers were required to submit their preliminary and overhead and profit % adjustments for future 'standalone projects' which will be undertaken via the contract. These adjustments enable us to understand costs and ensure Value for Money is being obtained through a structured approach towards pricing of these works.
- 9.3.5 Standalone projects relate to energy efficiency works in blocks of flats and other properties in an attempt to reduce fuel bills for customers, reduce the Council's carbon footprint and to ensure the quality of the housing stock is improved.
- 9.3.6 The tendered costs received, and their impact compared to the published contract values were significant, with a variance of circa +£92.1m (with major refurbishment projects, known as 'standalone projects' excluded).
- 9.3.7 The reasons for the revenue tendered costs being higher than expected are due to a number of factors as described in paragraphs 3.2 and 3.3 of Appendix 1. The maintenance and construction market has changed dramatically over the last 5 years, due to Brexit, Covid, the war in Ukraine, cost of living, energy crisis, etc, thus typically contractors are being more diligent in their risk profiling of public sector procurement opportunities.
- 9.3.8 Since the commencement of the procurement the Council undertook a piece of work focussed on its approach towards Strategic Asset Management and Investment Planning to understand and recognise the actual requirements of the housing stock to ensure its quality is improved to at least the Decent Homes Standard.

- 9.3.9 Modelling the impact of the tendered costs on the forward programme of capital investment identified that the contract value of £80m for capital investment was insufficient.
- 9.3.10 Therefore, with the reduction in costs being achieved through the negotiation, the revenue and capital expenditure profiled can be delivered through the HRA business plan for 2024-25.
- 9.3.11 There are no VAT issues from the recommendations in the paper. For the contract itself, different VAT rates will be applicable depending on the type of work carried out, but it is the responsibility of the contractor to apply the correct level of VAT to invoices, which the Council will then reclaim.

9.4 Procurement Implications

- 9.4.1 The intention is to direct award contracts under PCR2015 Reg. 32(2)(b) justified on the basis that the relevant services can only be provided for the interim period by the incumbent suppliers for technical reasons. There is risk in adopting this approach, however the Council seeks to minimise that risk:
- (a) Due to the time required for service review, re-procurement, mobilisation and exit/transition that no other supplier could meet the Council's requirements.
 - (b) The Council intends to conduct a new procurement during the interim period to secure new contracts to commence from the 1st of April 2026.
 - (c) The interim period has deliberately been kept to the shortest possible period of time to allow the service review and undertake the new procurement activity.
- 9.4.2 The level of risk would increase significantly if there were to be delays in running the new competition (or abandonment of that competition) resulting in a need for further contract extensions or direct awards.

9.5 Human Resources Implications

- 9.5.1 Officers of City Housing are leading the delivery of the interim contracts with support from other areas of the Council along with specialist technical, legal and project management resources as required.
- 9.5.2 There are no TUPE implications if the incumbent contractors are directly awarded interim contracts.
- 9.5.3 Contract management will be undertaken by Council staff.

9.6 Property Implications

- 9.6.1 If we continue with the incumbent contractors, then the existing depot arrangements will need to be considered from a corporate perspective and the impact that would have on the current arrangements.

9.7 Public Sector Equality Duty

- 9.7.1 In relation to the recommendations set out in this report, due regard has been paid to the requirements of the Equality Act 2010 and an Equality Assessment has been carried out which has shown that the recommendation will not have any adverse effects on service delivery.
- 9.7.2 The Equality Impact Assessment is attached at Appendix 2.

10 Appendices

10.1 Include:

- Appendix 1 – Exempt Appendix
- Appendix 2 - Equality Impact Assessment
- Appendix 3 - Environmental Assessment

11 Background Documents

11.1 Cabinet Report – Housing Repairs Maintenance and Investment 2024

Title of proposed EIA	Housing Repairs, Maintenance and Investment 2024
Reference No	EQUA1212
EA is in support of	Amended Function
Review Frequency	Two Years
Date of first review	30/10/2023
Directorate	City Housing
Division	Asset Management
Service Area	Repairs and Maintenance
Responsible Officer(s)	<input type="checkbox"/> Lorraine Long
Quality Control Officer(s)	<input type="checkbox"/> Mara Shepherd
Accountable Officer(s)	<input type="checkbox"/> Asha X Patel
Purpose of proposal	To ensure that the Housing Repairs, Maintenance and Investment 2024 paper meets the requirement of the Equality Impact Assessment
Data sources	Consultation Results; relevant reports/strategies; Statistical Database (please specify)
Please include any other sources of data	NEC, Apex stock condition database, key performance indicator reports

ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS

Protected characteristic: Age	Service Users / Stakeholders; Wider Community
Age details:	The function is applicable and available to all tenants of BCC owned/managed properties (or to those affected by the Council acting as a landlord). There are no expected specific effects on any tenant on the basis of any protected characteristics. There are specific arrangements in place to respond and support tenants with any vulnerabilities or special requirements in order for a responsive repair or planned work to be carried out. The BCC contact centre holds specific scripts and advice for tenants where applicable. NEC holds specific service requirement data to enable and inform our service provision. Customer liaison officers will collect specific data when consulting with customers for planned works to ensure any special needs are taken into account and adjustments provided.

Protected characteristic: Disability	Service Users / Stakeholders; Wider Community
Disability details:	The function is applicable and available to all tenants of BCC owned/managed properties (or to those affected by the Council acting as a landlord). There are no expected specific effects on any tenant on the basis of any protected characteristics. There are specific arrangements in place to respond and support tenants with any

vulnerabilities or special requirements in order for a responsive repair or planned work to be carried out. The BCC contact centre holds specific scripts and advice for tenants where applicable. NEC holds specific service requirement data to enable and inform our service provision. Customer liaison officers will collect specific data when consulting with customers for planned works to ensure any special needs are taken into account and adjustments provided.

Protected characteristic: Sex

Gender details:

Service Users / Stakeholders; Wider Community

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Protected characteristics: Gender Reassignment

Gender reassignment details:

Service Users / Stakeholders; Wider Community

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Protected characteristics: Marriage and Civil Partnership

Marriage and civil partnership details:

Service Users/ Stakeholders; Wider Community

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those affected by the Council acting as a landlord). There are no expected specific effects on any tenant on the basis of any protected characteristics. There are specific arrangements in place to respond and support tenants with any vulnerabilities or special requirements in order for a responsive repair or planned work to be carried out. The BCC contact centre holds specific scripts and advice for tenants where applicable. NEC holds specific service requirement data to enable and inform our service provision. Customer liaison officers will collect specific data when consulting with customers for planned works to ensure any special needs are taken into account and adjustments provided.

Protected characteristics: Pregnancy and Maternity

Pregnancy and maternity details:

Service Users / Stakeholders; Wider Community

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Protected characteristics: Race

Race details:

Service Users / Stakeholders; Wider Community

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special needs are taken into account and adjustments provided.

Service Users / Stakeholders; Wider Community

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Any improvements to residents' homes will be delivered in a sensitive and respectful manner and customers advised of any economic impact such as changes to cost of fuel and / or home running costs. Long term investment in homes and areas will have a positive socio-economic impact on tenants and wider communities , providing safe, warm and secure homes for all of our tenants.

None

NO

Protected characteristics: Religion or Beliefs

Religion or beliefs details:

Protected characteristics: Sexual Orientation

Sexual orientation details:

Socio-economic impacts

Please indicate any actions arising from completing this screening exercise.

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Please indicate whether a full impact assessment is recommended

What data has been collected to facilitate the assessment of this policy/proposal?	Key performance indicator data around customer satisfaction is collected aswell as recent tenant satisfaction measure surveys as part of our regulatory framework. Customer profiling is carried out to identify any specific areas of concern. Tenants views are also collected through the CHLB and local consultation groups.
Consultation analysis	Customers are generally satisfied with the repairs service those with a younger age profile tend to be slightly more dissatisfied with waiting times and lack of technological solutions.
Adverse impact on any people with protected characteristics.	Every effort is made to ensure that no customer is adversely affected. Works are dealt with in compliance with statutory legislation and where appropriate, in line with policies which have been consulted on with tenants and leaseholders.
Could the policy/proposal be modified to reduce or eliminate any adverse impact?	The policy is applied to each individual based on specific circumstance or need for example, the use of language translation facilities or hard of hearing communication facilities. In addition, any specific repair related special circumstances are noted in our systems and interfaced to the contractors systems enabling operatives to take account of any on site specific adjustments.
How will the effect(s) of this policy/proposal on equality be monitored?	Customer feedback will be analysed on profiling to ensure the service is equally delivered at all times. Complaints and root cause analysis is also carried out to inform lessons learnt and continuous improvement.
What data is required in the future?	Customer profiling data aligned to repairs, visits, surveys and complaints will enable us to analyse the success of the function.
Are there any adverse impacts on any particular group(s)	No
If yes, please explain your reasons for going ahead.	N/a
Initial equality impact assessment of your proposal	All staff and contractors are bound by the Equality Act 2010, therefore, every effort is made to support the needs of all service users and more specifically those with protected characteristics. There is no indication at present through complaints data or customer satisfaction that we are falling short of our statutory obligations. We will be undertaking further detailed analysis of our data to inform future actions and learning.

Summary and evidence of findings from your EIA

Ongoing consultations with residents/residents groups / contractors are being carried as part of regulatory compliance and business as usual service improvement. The future procurement activity will also provide valuable intelligence to inform the service going forward.

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

No

Quality Control Officer comments

Reviewed and approved

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

Yes

Decision by Accountable Officer

Approve

Date approved / rejected by the Accountable Officer

07/11/2023

Reasons for approval or rejection

Please print and save a PDF copy for your records

Yes

Content Type: Item

Version: 41.0

Created at 31/10/2023 10:40 AM by ☐ Lorraine Long

Last modified at 09/11/2023 11:34 AM by Workflow on behalf of ☐ Asha X Patel

Close

Environment and Sustainability Assessment

Project Title:	Interim Contract Award for the Provision of R&M, Gas Servicing and Capital Improvement Work Programmes 2024-2026			
Directorate: City Housing	Team: Repairs and Maintenance	Person Responsible for assessment: Asha Patel		
Date of assessment: 01/11/2023	Is it a new or existing proposal? New			
Brief description of the proposal: Interim Contract for the provision of R&M, Gas Servicing and Capital Improvement Work Programmes 2024-2026				
Potential impacts of the policy/development/ decision on:	Positive Impact	Negative Impact	No Specific Impact	What will the impact be? If the impact is negative, how can it be mitigated, what action will be taken?
Natural Resources - including water, soil, air	✓			Incumbent contractors were awarded contracts on the basis of successfully demonstrating operational practices which have a positive impact on the environment. Using certain materials and recycling protocols which are mandatory in the contracts impacts the use of natural resources in a positive way as well as demonstrating a culture of care for natural resources through their service.

Energy use and CO ₂ emissions	✓			Contract evaluation requires targets and approaches for carbon offset and carbon reduction plans which are measured through the contract. Practices such as low energy bulbs, operatives utilising electric vehicles to attend repairs and ensuring all vehicles are compliant with emission targets, route optimisation through DRS for most efficient journeys, speed limiters and tracking through live software. Example April to June 2023 carbon figures for one contractor's fleet is 142.5 tCO ₂ e showing a decrease of 5.5% on previous quarter. The Council will receive quarterly reports from the service providers to show a decrease in emissions.
Quality of environment	✓			Social Value projects are an integral part of the contract and the benefit delivered is measured through formal monitoring as part of the councils Social Value Strategy. Qualitative and quantitative values are delivered back through initiatives such as tree planting, community gardens, building projects, employment and development opportunities and volunteering, example four community projects in 3 months.
Impact on local green and open spaces and biodiversity	✓			Information provided in tender submission on their commitment to impact on local green and open spaces and biodiversity is in practice and monitored. These include assessments for noise and vibration before drilling, using low noise machines recommended by HSE for noise and vibration levels and compiling protected species checklist to assess impact of any works
Use of sustainable products and equipment	✓			Information provided in tender submission on their commitment to sustainability is in practice in the contracts, with sourcing of materials as a key element through supply chain procurement. Evidenced through Contractors "Supply Chain Code of Conduct" and "Sustainable Procurement Conditions"

Minimising waste	✓			Information provided in tender submission on their commitment to recycling etc is operational in current contract which will continue in the interim contract going forward. Examples are "Amount of waste diverted from landfill" has target of 96.5% - currently exceeded at 98.5%. Use of a Smart Waste tool to streamline managing waste using direct data from skips and tipping locations to increase accuracy and efficiency of data management. Collection of waste data from supply chain is also incorporated for collaborative and consistent approach. Exploring working with other waste companies for recycling of UVPC windows and doors from all project works on towers etc, these are then recycled and fed back into new window and door products. Monitoring van stock usage with targets for minimising waste and returns / reuse programs.
Council plan priority: a city that takes a leading role in tackling climate change	✓			Information provided in tender submission show that contractors implement operational practice to support and meet the council's policy through the sustainability reports and social value submissions around environmental impact.
Overall conclusion on the environmental and sustainability impacts of the proposal	The contract operates in line with current practices and initiatives achievable within the 2-year interim award. Contractors remain committed to the long-term achievement of Birmingham's priorities and will work proactively to ensure these are sustained.			

If you require further assistance with completing this template, please contact: ESAGuidance@birmingham.gov.uk

