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# Voluntary Undertaking to the Regulator of Social Housing

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*## August 2023*

## 1. Introduction

- 1.1 This Voluntary Undertaking (VU) is offered by Birmingham City Council ('The Council') in response to the various health and safety and other regulatory compliance issues identified in the Regulatory Notice published by the Regulator of Social Housing ('RSH') on 24 May 2023, which are fully accepted.
- 1.2 This VU also includes elements of the Council's response to the Housing Ombudsman Paragraph 49 report, where referred to in the Regulatory Notice.
- 1.2 The VU sets out specific actions and outcomes the Council will achieve to address the concerns and the timescales by which these will be delivered. It also sets out the arrangements for oversight of delivery of the VU, how this will be reported upon to the RSH, and in due course independently validated when complete.
- 1.3 The VU has been underpinned by a more detailed Regulatory Compliance Action Plan, as well as a number of other supporting documents and plans. These plans and documents are not offered formally a part of the VU, as they are working documents, often updated as circumstances evolve; the plan below is a summary of the key points to which the Council commits for the purposes of this VU.
- 1.4 All action plans and supporting documentation will be made available on request to the RSH and updated from time to time.

## 2. Oversight and reporting

- 2.1 The City Housing Directorate hold an officer led Compliance Board on a monthly basis. Matters related to the VU will also be reported into the Council's Overview & Scrutiny Committee on a quarterly basis, made up of cross-party elected Members and Council officers. The Committee provides oversight, whilst the Compliance Board will focus on the delivery of the VU and associated action plans.

- 2.2 The Compliance Board will, in summary:
- (1) report at least quarterly to the Council Cabinet through the Oversight and Scrutiny Committee ('OSC');
  - (2) meet monthly or as required (online or in person) and consider reports on the delivery of this Voluntary Undertaking and the subsidiary action plans.
  - (3) Share these reports with the RSH and take account of any feedback from the RSH in progressing matters.
- 2.3 The Council will commission an independent validation of the agreed key stages of delivery of the VU upon their respective completion and will share this report with the RSH.

### **3. Actions and outcomes**

- 3.1 The Council will complete the actions and achieve the outcomes in three main phases as set out below.

**Phase 1** = by 30<sup>th</sup> November 2023 or before

**Phase 2** = by 30<sup>th</sup> April 2024

**Phase 3** = by 31<sup>st</sup> October 2024 or before.

- 3.1 The Council submits the following specific actions and outcomes to be delivered under the terms of this Voluntary Undertaking.

ACTION/OUTCOME	COMMENTS	TIMESCALE
<p><b>1. OVERALL RSH FINDING:</b> <i>Following the Housing Ombudsman’s Special Report on Birmingham CC’s complaint handling, we investigated the council’s compliance with the consumer standards. Through our investigation we identified Birmingham CC had not completed fire, electrical and asbestos checks and inspections for every property that needed one and that a significant proportion of Birmingham CC properties do not meet the Decent Homes Standard (DHS). We also learned that Birmingham CC has failed to handle complaints effectively and failed to treat tenants with fairness and respect.</i></p> <p><i>The regulator considered the case as a potential breach of parts 1.1 and 1.2 of the Home Standard and has concluded that Birmingham CC did not have an effective system in place to allow it to meet its responsibilities both in relation to the quality of its homes, and in relation to statutory health and safety compliance across a range of areas.</i></p>		
<p>1.1 The Council has fully accepted the findings of both the Ombudsman and the RSH, and has developed this Voluntary Undertaking (VU) to ensure that it can move at pace to compliance.</p>	<p>Work on delivery of the VU and arrangements to ensure oversight of its delivery have already commenced.</p>	<p>Immediate</p>
<p>1.2 We will publish a summary version of this VU Plan for tenants and wider stakeholders of the Council.</p>	<p>This will be part of the Council’s overall communications plan.</p>	<p>Phase 1</p>

ACTION/OUTCOME	COMMENTS	TIMESCALE
<p><b>2. RISK OF SERIOUS DETRIMENT, RSH FINDING:</b> ... taking into account the seriousness of the issues, the duration for which tenants were exposed to risk, and the number of tenants potentially affected, the regulator has concluded that Birmingham CC has breached the Home Standard and the Tenant Involvement and Empowerment Standard and that there is a risk of serious detriment to tenants during this period.</p>		
<p>2.1 During implementation of this VU and the associated action plans, we will implement special arrangements for staff and contractors to report matters of potential safety concern (including damp and mould) for immediate action to be taken if so required.</p>	<p>A hotline already exists, and we will also create an email address where concerns can be raised, anonymously if the informant so wishes.</p>	<p>Phase 1</p>
<p>2.2 We will produce quarterly reports for Overview &amp; Scrutiny on compliance against all aspects of this VU as well as additional information on the compliance with the wider consumer standards</p>	<p>First such report already made</p>	<p>Phase 1</p>
<p>2.3 We will undertake a full data cleansing and validation exercise across all areas of landlord H&amp;S</p>	<p>Already under way by Savills, with a projected completion date of 31<sup>st</sup> August 2023</p>	<p>Phase 2</p>
<p><b>3. FIRE SAFETY, RSH FINDING:</b> In respect of fire safety, Birmingham CC has a statutory duty to regularly assess the risk of fire and to take precautions to prevent the risk of fire. The council reported that more than 1,000 Fire Risk Assessments (FRAs) are overdue. These are predominately for low-rise blocks.</p>		
<p>3.1 We will complete FRAs for all high-rise blocks</p>	<p>None outstanding</p>	<p>Complete</p>
<p>3.2 We will complete FRAs for all low-rise blocks</p>	<p>Circa 900 surveys outstanding, accelerated procurement process under way</p>	<p>Phase 3</p>

ACTION/OUTCOME	COMMENTS	TIMESCALE
3.3 We will review and update our processes for undertaking FRA remedial actions, for reporting of findings and maintenance of accurate data.		Phase 2
<b>4. ELECTRICAL SAFETY, RSH FINDING:</b> <i>For electrical safety, Birmingham CC is required to ensure that electrical installations are in working and safe condition both at the start of any tenancy and throughout that tenancy. At the time of our investigation the council reported around 500 communal and 15,000 domestic electrical inspections were overdue. In addition to this, more than 1,000 domestic electrical remedial actions were overdue.</i>		
4.1 We will complete a data cleansing and validation exercise to ensure that all remedial actions are correctly identified	Data cleanse programme well under way	Phase 3
4.2 We will accelerate our ongoing electrical safety programme in domestic and communal blocks such that no remedial actions are more than [3] months outstanding		Phase 3
<b>5. ASBESTOS SAFETY, RSH FINDING:</b> <i>For asbestos safety, the evidence provided to the regulator showed that Birmingham CC had almost 17,000 asbestos surveys overdue.</i>		
5.1 We will complete inspections of all relevant high-rise properties		Phase 1
5.2 We will complete inspection of all relevant properties		Phase 3

ACTION/OUTCOME	COMMENTS	TIMESCALE
<p><b>6. COMPLIANCE WITH DHS, RSH FINDING:</b> <i>In relation to the quality of its homes, Birmingham CC reported that 39% of its properties did not comply with the DHS. The council does not hold recent or complete data for its properties so is unable to clearly identify the risks in its non-decent homes.</i></p>		
<p>6.1 We will develop and publish a full 30-year investment plan to ensure compliance with the DHS</p>		<p>Phase 1</p>
<p>6.2 We will develop and publish an asset management strategy linked to the 30-year investment plan</p>		<p>Phase 2</p>
<p>6.3 We will invest an additional £40m in financial year 23/24 to our capital programme</p>		<p>Phase 2 for commitment of funds</p>
<p>6.4 We will accelerate the number of stock condition surveys to ensure 20% of the stock portfolio receives an actual survey on an annual basis for this year, and over the next 5 years to achieve 100% actual stock condition data</p>		<p>Phase 3</p>
<p><b>7. REPAIRS</b></p>		
<p>7.2 We will review and update our processes for appointment, supervision and liaison with contractors to ensure better customer satisfaction and performance</p>		<p>Phase 2</p>
<p>7.3 We will report on delivery and performance improvement resulting from the above.</p>		<p>Phase 3</p>

ACTION/OUTCOME	COMMENTS	TIMESCALE
<b>8. GAS SAFETY</b>		
8.1 We will undertake a comprehensive data cleanse audit to ensure that that full compliance can be maintained	Savills commissioned and work under way. RSH has copy of Savills brief.	Phase 1
<b>9. CARBON MONOXIDE DETECTORS</b>		
9.1 We will install detectors in all properties as required by regulation		Phase 1
<b>10. SMOKE DETECTORS</b>		
10.1 We will ensure that all detectors have been tested in line with Oct '22 regulations		Phase 3
<b>11. LIFTS</b>		
11.1 We will review and update our processes for inspections of equipment, undertaking remedial actions, for reporting of findings and maintenance of accurate data.		Phase 2
<b>12. LEGIONELLA</b>		
12.1 We will review and update our processes for inspections, undertaking remedial actions, for reporting of findings and maintenance of accurate data.		Phase 2

ACTION/OUTCOME	COMMENTS	TIMESCALE
<p><b>13. COMPLAINTS HANDLING, RSH FINDING:</b> <i>Regarding complaints handling, the Housing Ombudsman’s Special Report identified fundamental flaws in this service, including poor record keeping, poor communication and a failure to learn from complaints. Through our investigation we also identified that more than 1,000 complaints (around 60% of open complaints) were overdue.</i></p>		
<p>13.1 We will substantially reduce our backlog of overdue complaints such that we are able to meet our target response times with good assurance, and achieve (and then maintain) upper quartile performance as compared with other major landlords.</p>	<p>Recruitment of additional staff already is under way. We do not underestimate the scale and complexity of this undertaking, and note that full delivery may slip to Phase 3</p>	<p>Phase 2</p>
<p>13.2 We will review and update our processes for dealing with complaints, for reporting of findings and maintenance of accurate data.</p>		<p>Phase 2</p>
<p>13.3 We will amend and republish our Complaints Policy, to reflect our new Compensation Policy</p>		<p>Phase 2</p>
<p>13.4 We will create an internal Ombudsman-facing function with defined powers and terms of reference to intervene on behalf of tenants who have submitted complaints.</p>		<p>Phase 1</p>
<p>13.5 We will publish an annual report on complaints performance.</p>		<p>Phase 2</p>



ACTION/OUTCOME	COMMENTS	TIMESCALE
<b>14. TENANT ENGAGEMENT, RSH FINDING:</b> <i>In relation to Birmingham CC's engagement with tenants, external reviews carried out in 2021 and 2022 found there was a lack of proactive, frequent and effective communication with tenants. The reviews also found that tenants' needs were not understood, and they did not feel valued.</i>		
14.1 We will undertake a tenant consultation exercise to determine future engagement and communication strategy that best meets the needs of the diverse communities we serve.		Phase 2
14.2 We will then publish and implement our new Community Influencing & Engagement strategy, and evaluate its success		Phase 3
<b>15. EQUALITY AND INCLUSION</b>		
15.1 In line with our public sector equality duty, we will monitor and report on the effect of delivery of this VU and associated plans on the diverse communities we serve, and in particular on people with protected characteristics.		All phases
<b>16. OVERSIGHT OF VU DELIVERY</b>		
16.1 Delivery of this VU will be overseen by the Compliance Board, reporting quarterly to Overview & Scrutiny		All phases

ACTION/OUTCOME	COMMENTS	TIMESCALE
<b>17. INDEPENDENT VALIDATION OF VU DELIVERY</b>		
18.1 When we consider that a phase of activity from this VU is complete, we will commission independent validation of our work, and submit such reports to the RSH within three months of the end of the relevant phase.		All phases
<b>18. REPORTING TO RSH</b>		
We will report at least quarterly on delivery of this plan to the RSH, or more frequently if so required.		All phases

## 4. Signature

This Voluntary Undertaking to the Regulator of Social Housing signed for and on behalf of Birmingham City Council by:

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**Name**

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**Position**

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**Date**

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**Signature**

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**Name**

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**Position**

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**Date**

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